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HOUSE OF COMMONS.

MANUAL OF PROCEDURE

IN THE

PUBLIC BUSINESS.

1908.

MANUAL OF PROCEDURE

IN THE

PUBLIC BUSINESS

OF THE

HOUSE OF COMMONS.

Prepared by the Clerk of the House for the use of Members and laid on the Table by Mr. Speaker.

SECOND EDITION.

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MANUAL OF PROCEDURE.

Prefatory Note.

This edition has been revised, and embodies the alterations in procedure made since March, 1904, the date of the first edition.

The references in the text to "May's Parliamentary Practice" are to the eleventh edition, published in 1906.

C. P. I.

March, 1908.

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HOUSE OF COMMONS.

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MEETINGS OF PARLIAMENT.

Summoning of parliament.

1. A new parliament is called together by means of writs of summons, which are issued from the Crown Office, in pursuance of a royal proclamation and order in council, and which summon peers, direct the election of members of the House of Commons, and fix the day on which the parliament is to meet.

The same proclamation dissolves one parliament and calls another.

The time appointed for the first meeting of a new parliament may be any time not less than 35 days after the date of the proclamation (15 and 16 Vict., c. 23, s. 1). The period was in 1868 reduced for that year to 28 days by 31 and 32 Vict., c. 58, s. 11.

The form of the writ of election is regulated by the Ballot Act, 1872 (35 and 36 Vict., c. 33, s. 28, Schedule II.). Each writ is addressed to the proper returning

officer, and must (except in the case of writs addressed to the sheriffs of London and Middlesex) be delivered by the messenger of the great seal or his deputy to the General Post Office, and must be sent free of charge by post (53 George 3, c. 89).

Adjournment of houses of parliament.

2. The sittings of either house of parliament may be adjourned from time to time by order of that house.

The orders of adjournment may be either general, embodied in standing or sessional orders, or special, relating to particular sittings, or to the sittings during a particular period. *See* May, 46. As to abnormally long sittings and the effect of one sitting extending over the time at which the next sitting would ordinarily commence, *see* May, 183, 184.

Power of Crown to require meeting of parliament notwithstanding adjournment.

3. When both houses of parliament stand adjourned, the Crown may by proclamation require both houses to meet on a day not earlier than six days from the date of the proclamation.

See 39 and 40 Geo. 3, c. 14, s. 1, as amended by 33 and 34 Vict., c. 81, s. 2. The latter Act substitutes six days for fourteen. The Acts apply to cases where both houses stand adjourned for more than six (formerly fourteen) days from the date of the proclamation. *See* May, 47.

Prorogation of parliament.

4. A session of parliament is terminated by prorogation. Parliament is prorogued by

exercise of the royal prerogative. The prorogation is effected at the close of a session by an announcement made in the House of Lords by the King in person, or by commissioners appointed by him for that purpose.

The prorogation is to a specified date. The date so specified may be either postponed or advanced by royal proclamation, issued with the advice of the privy council.

Since 1854 the prorogation has always been by commissioners. Under this procedure a message is sent from the House of Lords to the House of Commons requesting their attendance to hear the announcement of prorogation. The same message may request attendance to hear the royal assent given to the last bills of the session (*see* § 214). After this assent has been given, and before the prorogation is announced, the lord chancellor reads to both houses a speech from the throne, reviewing the proceedings of the session. The Speaker, followed by the members of the House of Commons who have attended in the House of Lords, then returns to the Commons without the mace, takes his seat in the chair usually occupied by the clerk of the house, and again reads the speech from the throne. *See* May, 43, 207.

The power to accelerate the meeting of parliament after prorogation now depends on 37 Geo. 3, c. 127, s. 1, as amended by 33 and 34 Vict., c. 81. The advanced date must be not earlier than six days from the date of the proclamation. *See* May, 44.

MEETINGS OF PARLIAMENT—CHAP. I. *continued.*

The power to postpone the meeting of parliament by royal proclamation now depends on 30 and 31 Vict., c. 81, and the date to which the meeting is so postponed must be not earlier than 14 days from the date of the proclamation.

Dissolution of parliament.

5. Parliament is dissolved by exercise of the royal prerogative, and by means of a royal proclamation issued with the advice of the privy council.

Under the Septennial Act, 1 Geo. 1, sess. 2, c. 28, parliament expires by effluxoin of time at the end of seven years. But in practice it is always dissolved before the expiration of that time.

If parliament is sitting when dissolution is contemplated, it is usually first prorogued and immediately afterwards dissolved. *See* May, 48. But if dissolution is determined on during the recess, as in 1900 and 1905, and on other occasions, a considerable interval may elapse between prorogation and dissolution. The same proclamation that dissolves one parliament calls another. *See* § 1.

Effect of demise of Crown on parliament.

6. A demise of the Crown does not terminate the existence of a parliament.

If there is a parliament at the time of a demise of the Crown, and it is not then sitting, it must immediately meet.

The first of these rules is laid down by s. 51 of the Representation of the People Act, 1867 (30 & 31 Vict.,

c. 102); the second by 6 Anne, c. 41, s. 5. For the procedure when parliament meets on the demise of the Crown during a recess, *see* the proceedings of 23 January, 1901, 156 C. J. 5.

For the contingency of a demise of the Crown whilst a general election is pending provision is made by 37 Geo. 3, c. 127. *See* May, 42.

Proceedings at beginning of new parliament.

7. On the first day of the meeting of a new parliament, the clerk of the Crown delivers to the clerk of the House of Commons a book containing a list of the names of the members returned to serve in that parliament, and the members present in the House of Commons go to the House of Lords to receive directions for the election of a Speaker.

The next proceedings are the election of a Speaker, and, after his approval by the Crown on a subsequent day, the taking of the oath by members. When these formalities have been completed, the proceedings are the same as those at the beginning of an ordinary session.

See May, 149, 159, and the entries in the Journal for 13 and 14 February, 1906, 161 C. J. 3-5.

As to the procedure for the election of a Speaker, *see* § 23.

MEETINGS OF PARLIAMENT—CHAP. I. *continued.*

As to the procedure for the taking of the oath by members, *see* §§ 10-13.

At the beginning of a new parliament, the Speaker takes the oath first, immediately after he has signified the royal approval of his election, and then the oath is taken (or affirmation made) by other members. The same course is followed when parliament meets on the demise of the Crown.

Proceedings at beginning of session.

8. On the first day of a session the house usually meets shortly before 2 p.m. [1]

Prayers having been read, the house awaits the summons to the House of Lords.[2]

On receipt of the summons the Speaker goes to the House of Lords, followed by such members as are present in the House of Commons, and stands at the bar of the House of Lords whilst the speech from the throne is being read.

When the speech has been read, he returns to the House of Commons, passes through it without taking the chair, and usually does not resume the chair until 4 p.m.

He then informs the house of the issue of new writs during the recess, and of

other matters which it may be necessary to communicate.

At this point motions for new writs can be moved, members elected since the last meeting of parliament can take their seats, and other business of a formal or noncontentious nature can be transacted.

Then follow the usual sessional orders and resolutions as to (1) double elections, (2) inability of peers to vote, (3) interference of peers in elections, (4) bribery, (5) tampering with witnesses, (6) false evidence, (7) clearing of approaches to the house, (8) printing of votes and proceedings, and (9) appointment of committee of privileges.[3]

A bill is then read formally the first time. This is done by the clerk at the table reading the short title (outlawries bill), after which the Speaker announces that the bill is ordered to be read a second time.[4]

The usual sessional resolutions as to the printing of the journal and index are then passed,[5]

MEETINGS OF PARLIAMENT—CHAP. I. *continued.*

After these proceedings the Speaker reports in customary form that the house has been in the House of Lords to hear the King's speech read, and reads a copy of the speech to the house.

Thereupon a motion is made that an address be presented to the Crown, expressing thanks for the speech, and on that question amendments may be moved.[6]

[1] If the beginning of the session is also the beginning of a new parliament, these proceedings are preceded by the election of the Speaker, and the swearing in of at least some of the new members. *See* §§ 9, 10.

[2] If the King opens parliament in person, he commands the attendance of the Commons. If parliament is opened by commission, the message takes the form of a request. *See* May, 150, 172.

[3] *See* pp. 303-307, and § 109.

[4] Before the King's speech is read in the House of Commons, the house, in pursuance of ancient custom, and in order to assert its right of deliberating without reference to the immediate cause of summons, reads some bill the first time *pro formâ*. *See* May, 174.

[5] *See* p. 307.

[6] The address in reply to the speech used to echo the speech paragraph by paragraph, but, as now moved, is confined to a simple expression of thanks. *See* May, 175.

The stages of committee and report on the committee have been discontinued since 1882 in pursuance of

MEETINGS OF PARLIAMENT—CHAP. I. *continued.*

S. O. 65. The mover and seconder of the address usually appear in levée dress. The amendments to the address propose additions raising questions of public policy. Notices of amendments are received at the table as soon as the question for the address has been proposed from the chair. As to the presentation of the address, *see* § 256.

The committees of supply and of ways and means cannot be set up until the motion for the address has been disposed of. S. O. 14, § 230. But other public business may be transacted in the meantime. *See* May, 175.

Notices of government bills are usually given after the passing of the usual sessional resolutions.

CHAPTER II.

ELECTION AND ADMISSION OF MEMBERS.

Members of the House of Commons are elected in pursuance of writs issued from the Crown Office, and addressed to the proper returning officers. A return to each writ for an election is made to the Crown Office, and supplies the proper evidence of the election made in pursuance of the writ. After a general election, a list of the members elected is copied into a book which is delivered by the clerk of the Crown to the clerk of the House of Commons. After each by-election the clerk of the Crown sends to the clerk of the House of Commons, at the public bill office, a certificate of the return received in the Crown Office, and the member elected must, before attending at the table to take the oath, obtain from the public bill office a certificate stating that the certificate from the Crown Office has been duly received.

Duty of each member to take oath or make affirmation.

9. Every member elected to a seat in the House of Commons must, before taking his seat, take the oath or make the affirmation required by law.

The taking of the oath or making of the affirmation is a statutory duty imposed by the Parliamentary Oaths Act, 1866 (29 and 30 Vict., c. 19, s. 3). If, after the Speaker has been chosen, a member votes as such, or sits during any debate, without having taken the oath or made

the affirmation, he is liable to a fine not exceeding £500 for each offence, and his seat is vacated as if he were dead (29 and 30 Vict., c. 19, s. 5). The statute does not prevent a member from taking part in the election of a Speaker before he is sworn in. As to the oath, *see* May, 159-171.

Mode and time of taking oath or making affirmation.

10.—(1) By statute, the oath must be taken, or the affirmation made, by every member, at the table in the middle of the house, whilst a full House of Commons is there duly sitting with their Speaker in the chair, at such hours and according to such regulations as the house may by its standing orders direct.

(2) Under the existing standing orders a member may take the oath or make the affirmation at any time during the sitting of the house before the orders of the day and notices of motion have been entered upon, or after they have been disposed of, but no debate or business may be interrupted for that purpose.

The statutory rule is laid down by s. 3 of the Parliamentary Oaths Act, 1866 (29 and 30 Vict., c. 19). The standing order applicable to the case is S. O. 84.

At the beginning of a new parliament, the Speaker, after his election has been approved, takes the oath, standing

on the steps of his chair. *See* May, 159. After this the several members come to the table, the oath or affirmation is administered to them by the clerks at the table, and they severally sign the roll of members. The return book delivered by the clerk of the Crown is the evidence of each member's return.

When a member is elected to fill a vacancy which occurs after a general election, the time for his introduction is immediately after questions. S. O. 84. He then, in response to an invitation from the Speaker, advances from the bar to the table, accompanied by two members (*see* May, 170), presents a certificate, which he must previously have obtained from the public bill office, showing that he has been duly returned (*see* May, 170), and takes the oath or makes the affirmation in the form in which it is administered to him by the clerk at the table. He then signs the roll and is presented to the Speaker by the clerk.

Form of oath.

11. The form of the oath is as follows: "I do swear that I will be faithful and bear true allegiance to His Majesty King Edward, his heirs and successors, according to law, so help me God."

This form is prescribed by s. 2 of the Promissory Oaths Act, 1868 (31 and 32 Vict., c. 72), and is by s. 8 of that Act substituted for the form prescribed by the Parliamentary Oaths Act, 1866 (29 and 30 Vict., c. 19). As to the substitution of King Edward for Queen Victoria, *see* 31 and 32 Vict., c. 72, s. 10.

Mode of taking oath,

12. The member who takes the oath usually,

after reciting its words, kisses a New Testament (or if a Jew an Old Testament), which is presented to him for this purpose by the clerk.

But if any member desires to swear with uplifted hand, in the form and manner in which an oath is usually administered in Scotland, he must be permitted to do so, and the oath must be administered to him in that form and manner without further question.

The power to adopt the Scottish mode of taking an oath is given by s. 5 of the Oaths Act, 1888 (51 and 52 Vict., c. 46).

Power to substitute affirmation for oath.

13.—(1) If a member claims to be a person for the time being by law permitted to make a solemn affirmation or declaration instead of taking an oath, he may, without question, make a solemn affirmation instead of taking the oath.

(2) If a member objects to be sworn, and states as the ground of his objection, either that he has no religious belief, or that the taking of an oath is contrary to his religious

belief, he may make a solemn affirmation instead of taking the oath.

(3) The affirmation is in the same form as the oath, except that the words "solemnly, sincerely, and truly declare and affirm" are substituted for the word "swear," and the words "so help me God" are omitted.

See s. 11 of the Promissory Oaths Act, 1868 (31 and 32 Vict., c. 72), s. 1 of the Oaths Act, 1888 (51 and 52 Vict., c. 46), and S. O. 85.

Issue of new writ during session.

14. If the seat of a member becomes vacant during the session, the house may, on motion made, order that the Speaker do issue his warrant for a new writ to fill the vacancy, and a warrant and writ are issued accordingly.

As to the issue of new writs, *see* May, 631.

A vacancy may arise from (1) death, (2) accession to the peerage, *see* May, 29, 631, 633, (3) acceptance of a disqualifying office, *see* May, 30, 631, 640, 645, (4) acceptance of a government contract, *see* May, 31, 644, (5) bankruptcy, *see* May, 32, 34, 631, 637, (6) lunacy, *see* May, 29, 631, 637, (7) the determination of an election court declaring an election void, *see* May, 35, 631, 658, (8) conviction of treason or felony, *see* May, 34, 657, or, (9) expulsion of a member from the house, *see* May, 54, 55. No express provision is made by law for a member resigning his seat. If he wishes to resign, he applies for

the stewardship of the Chiltern Hundreds or one of the other sinecure offices the acceptance of which vacates a seat. *See* May, 642-645.

The issue of a new writ is usually moved by one of the whips for the party to which the member whose seat is vacant belonged. *See* proceedings on motion for issue of new writ for Cork, Aug. 11 and 12, 1904.

In ordinary cases the motion may be made without notice, has the priority given to matters of privilege, (*see* § 46), and is usually made immediately after prayers or after private business or questions. *See* May, 245, 272, 634-5. When the vacancy has been caused by the decision of an election court, the house makes an order requiring notice of the motion, which is set down for consideration at the commencement of public business, and cannot be taken as unopposed business. *Ibid.* This order expires with the session. *See* debate of Feb. 14, 1907. As to suspension of issue of writ, *see* May, 660, 661, and proceedings of Feb. 14, 1907 (Worcester writ).

Issue of new writ during recess in cases of death, accession to peerage, or acceptance of disqualifying office.

15. If, during a recess of the House of Commons, whether by prorogation or by adjournment, two members of the house certify to the Speaker—

(*a*) that a member of the house is dead, or

(*b*) that a member of the house has become a peer of Great Britain, and

that a writ of summons has been issued summoning him to parliament as a peer, or

(*c*) that a member of the house has, since the adjournment or prorogation, accepted an office whereby he has vacated his seat,

and apply to the Speaker to issue a warrant for a new writ to supply the vacancy thus caused, the Speaker, subject to the restrictions and conditions hereinafter contained, issues his warrant accordingly.

These restrictions and conditions are as follows:—

(i) The warrant must not be issued until six days after the insertion in the London Gazette of the notice prescribed by the statute;

(ii) The return of the late member must have been lodged in the Crown Office not less than 15 days before the end of the last sitting of the house;

ELECTION AND ADMISSION OF MEMBERS—CHAP. II. *continued.*

(iii) The application to the Speaker must be made in sufficient time to allow the new writ to be issued before the next meeting of the house;

(iv) The warrant must not be issued if a petition against the election or return of the late member was pending at the time of the last prorogation or adjournment;

(v) In the case of a vacancy caused by an acceptance of office, the application must be accompanied by a copy of the Gazette notifying the appointment, and by a notice from the member signifying that he has accepted the office;

(vi) The provisions as to acceptance of office do not apply to any of the following offices, namely, the office of steward or bailiff of His Majesty's three Chiltern Hundreds of Stoke, Desborough, and Burnham, or of the Manor of East Hendred, or

of the Manor of Northstead, or of the Manor of Hempholme, or of escheator of Munster (*now abolished*).

These statutory provisions are contained in the Recess Elections Act, 1784 (24 Geo. 3, sess. 2, c. 26), and the Election of Members During Recess Act, 1858 (21 and 22 Vict., c. 110) as amended by the Elections in Recess Act, 1863 (26 and 27 Vict., c. 20), which substituted a period of six days for the period of fourteen days mentioned in the Acts of 1784 and 1858. *See* May, 637. In the Act of 1858 Burnham is spelt Boneham.

Issue of new writ during recess in case of bankruptcy.

16. If, during a recess of the house, whether by prorogation or by adjournment, the Speaker receives a certificate showing that the seat of a member has become vacant through bankruptcy, or by sequestration, or a decree of *cessio bonorum* in Scotland, he must forthwith cause notice of the certificate to be published in the London Gazette, and must, after the expiration of six days from the publication (unless the house has met before that day, or will meet on the day of the issue), issue his warrant for a new writ to supply the vacancy.

See 46 and 47 Vict., c. 52, s. 33 (England); 47 and 48 Vict., c. 16, s. 6 (Scotland); and 35 and 36 Vict., c. 58, ss. 43, 44 (Ireland).

Issue of new writ in case of lunacy.

17. Provision is made by the Lunacy (Vacating of Seats) Act, 1886, for the issue of a new writ, whilst the house is sitting or during a recess, to fill a vacancy caused by the lunacy of a member.

The provisions of this Act (49 and 50 Vict., c. 16) are too detailed to be set out here. *See* May, 29, 637-8.

Provisions for issue of new writs in case of Speaker's absence.

18. At the beginning of each parliament the Speaker is required to appoint not more than seven and not less than three members of the House of Commons to perform his duties with respect to the issue of new writs, in the event of his death, or of his seat becoming vacant, or of his absence from the realm.

The powers of each member so appointed continue during the parliament if he continues to be a member.

If the number is reduced below three, the Speaker must make a new appointment.

This provision is made by ss. 5-9 of the Recess Elections Act, 1784 (26 Geo. 3, Sess. 2, c. 26), which are applied to cases of acceptance of disqualifying office by 21 and 22 Vict., c. 110, s. 5, and to cases of bankruptcy by 46 and 47 Vict., c. 52, s. 33. *See* May, 638.

Sessional Orders and Resolutions.

Double returns and questions as to elections.

19. All members returned for two or more places in any part of the United Kingdom are to make their election for which of the places they will serve, within one week after it shall appear that there is no question upon the return for that place.

If anything shall come in question touching the return or election of any member, he is to withdraw during the time the matter is in debate; and all members returned upon double returns are to withdraw till their returns are determined.

See p. 303 and May, 652.

Peers not to vote.

20. No peer of the realm, except such peers of Ireland as shall for the time being be actually elected, and shall not have declined to serve, for any county, city, or borough of Great Britain, hath any right to give his vote in the election of any member to serve in parliament.

See p. 303, May, 653, and proceedings on February 19, 1906 (Lord Atkinson's vote.)

Peers, &c., not to be concerned in elections.

21. It is a high infringement of the liberties and privileges of the Commons of the United Kingdom for any lord of parliament, or other peer or prelate, not being a peer of Ireland at the time elected, and not having declined to serve, for any county, city or borough of Great Britain, to concern himself in the election of members to serve for the Commons in parliament, except only any peer of Ireland at such elections in Great Britain respectively, where such peer shall appear as a candidate, or by himself, or any others, be proposed to be elected; or for any lord lieutenant or governor of any county to avail himself of any authority derived from his commission to influence the election of any member to serve for the Commons in parliament.

See p. 304 and May, 654.

Persons returned by bribery will be proceeded against.

22. If it shall appear that any person hath been elected or returned a member of the house, or endeavoured so to be, by bribery or any other corrupt practices, this house

will proceed with the utmost severity against all such persons as shall have been wilfully concerned in such bribery or other corrupt practices.

See pp. 304, 305.

As to corrupt practices at elections, *see* May, pp. 659 following.

The four last foregoing orders or resolutions are, in accordance with ancient custom, passed by the House of Commons at the commencement of each session. *See* pp. 303-5.

Chapter III.

THE SPEAKER AND CHAIRMEN OF COMMITTEES.

The Speaker.

Election and term of office of Speaker.

23. At the beginning of each new parliament a Speaker is elected for that parliament by the House of Commons subject to the approval of the Crown.

If a vacancy occurs in the office during the continuance of that parliament, the house, on being acquainted by a minister of the Crown that the King gives leave to the house to proceed forthwith to the choice of a new Speaker, proceeds to the election of a Speaker accordingly.

See May, 154-157. For the formalities observed on the election of a Speaker at the beginning of a new parliament, when only one person is proposed, *see* the entries in the *Journal*, *e.g.* the entries on 13 and 14 Feb. 1906, 161 C. J. 4, 5; for the procedure on an election during the session, or when more persons than one are proposed, *see* the entry on 10 April, 1895, 150 C. J. 149.

Duties and powers of Speaker.

24. The Speaker is (1) the spokesman and representative, and (2) the chairman, of the house.

In the first capacity the Speaker demands the privileges of the house at the beginning of a new parliament, communicates its resolutions, thanks, censures, and admonitions; and issues, by its order, warrants for the commitment of offenders against its privileges, for the issue of writs to fill vacancies among its members, for the attendance of witnesses, or for bringing prisoners to the bar. In the second capacity he presides over the deliberations of the house, maintains order in its debates, decides questions arising on points of order, puts the question for decision, and declares the decision. He does not, however, act as chairman when the house is in committee. His symbol of office is the mace. *See* May, 155, 192. As to the continuance of his office on a dissolution, *see* 2 and 3 Will. 4, c. 105; 9 and 10 Vict., c. 77; May, 195. Under the House of Commons (Speaker) Act, 1832 (2 and 3 Will. 4, c. 105), as amended by the House of Commons Officers Act, 1834 (4 and 5 Will. 4, c. 70) he has an official salary charged on the consolidated fund.

Chairman of Ways and Means, Deputy-Chairman, and temporary Chairmen.

Chairman of Ways and Means.

25. The member who is called to the chair at the first meeting of the committee of supply in a new parliament continues to take the

chair of that committee and of the committee of ways and means, and of other committees of the whole house, during the continuance of that parliament, and is known as the chairman of the committee of ways and means.

See May, 381, 603-4. The chairman of the committee of ways and means is usually described by the shorter title of "chairman of ways and means." The motion at the first meeting of the committee of supply in a new parliament that a particular member take the chair is made from the treasury bench, and is rarely opposed. If it is opposed, the question is decided with the Speaker in the chair. May, 603.

The chairman of ways and means not only is, under a usage which began in 1841 (May, p. 381, note 2), the chairman of committees of the whole house, but also performs important duties with respect to private bill legislation. *See* May, 705-8, 896-900. For instance, he is *ex-officio* chairman of the court of referees, and of the committee on unopposed bills. *See* May, 688, 746-7, 753-4, 761, 789, 790, 807, 825, 826, 833-4, 836. He has an official salary, voted in committee of supply.

Deputy-chairman.

26. At the commencement of every parliament or from time to time, as necessity may arise, the house may appoint a deputy-chairman, who, whenever the house is informed by the clerk at the table of the unavoidable

absence of the chairman of ways and means, is entitled to exercise all the powers vested in the chairman of ways and means, including his powers as Deputy-Speaker.

This power is given by S. O. 81. Under this S. O. the deputy-chairman can, if the unavoidable absence of the chairman has been announced, put the closure in pursuance of S. O. 26. The deputy-chairman can also in the unavoidable absence of the chairman act as Deputy-Speaker. *See* below, § 28. The deputy-chairman has an official salary, voted in committee of supply. The procedure on appointment is the same as in the case of the chairman. *See* 525 Hansard, 4th series, vol. 103, p. 56 (14 February, 1902).

Temporary chairmen of committees.

27. The Speaker nominates, at the commencement of every session, a panel of not more than five members to act as temporary chairmen of committees when requested by the chairman of ways and means.

See S. O. 1, last paragraph, and § 65. A temporary chairman cannot put the closure. *See* S. O. 26, 81.

Powers of chairman of ways and means and deputy-chairman as Deputy-Speaker.

28.—(1) Whenever the house is informed by the clerk at the table of the unavoidable absence of the Speaker, the chairman of the committee of ways and means performs the duties and exercises the powers of the

Speaker in relation to all proceedings of the house as Deputy-Speaker until the next meeting of the house, and so on from day to day, on the like information, until the house otherwise orders; except that if the house adjourns for more than 24 hours, his powers continue only for 24 hours after the adjournment.

S. O. 81. May, 196.

(2) The chairman or deputy-chairman of the committee of ways and means may take the chair as Deputy-Speaker, when requested to do so by the Speaker, without any formal communication to the house.

S. O. 1 (9). May, 197.

(3) Acts done by the Deputy-Speaker when acting as such, in pursuance of any general or special order of the house, have the same validity as if done by the Speaker, except that the Deputy-Speaker has not power to appoint to any office for a period longer than that during which he continues to be Deputy-Speaker.

18 and 19 Vict. c. 84. May, 160 (note 1), 196.

Chapter IV.

THE OFFICERS OF THE HOUSE.

The clerk of the house.

29. The clerk of the House of Commons is appointed by the Crown, for life, by letters patent.

The clerk of the House of Commons is the chief officer of the house. He attends the sittings of the house when the Speaker is in the chair, *i.e.*, when the house is not in committee, and reads the orders of the day, and whatever else is required to be read from the table. He signs orders of the house, and their addresses and votes of thanks, and endorses bills sent or returned to the House of Lords. *See* May, 200.

The remuneration of the clerk of the house, serjeant-at-arms, and other officers of the house, is regulated by the commissioners for regulating the offices of the House of Commons under the House of Commons (Offices) Act, 1812 (52 Geo. 3, c. 11).

The clerks assistant.

30. There are two clerks assistant, each of whom is appointed by the Crown under the sign manual on the recommendation of the Speaker, and is removable only on an address of the House of Commons.

The appointment and tenure of the clerks assistant is regulated by the House of Commons Offices Act, 1856 (19 and 20 Vict., c. 1).

THE OFFICERS OF THE HOUSE—CHAP. IV. *continued.*

The clerks assistant sit at the table on the left hand of the clerk of the house and, together with him, are commonly described as the clerks at the table. They prepare the minutes which are afterwards converted into the "Votes and Proceedings," and subsequently into the Journal. *See* §§ 268, 269. They receive notices of questions, of amendments, and of other motions or matters which have to be entered on the notice paper, and prepare the notice paper which shows the agenda for each day. When the house is in committee, and the chair of the clerk of the house is occupied by the chairman of ways and means or his substitute, the clerk assistant acts as clerk of the committee. *See* May, 201.

The serjeant-at-arms.

31. The serjeant-at-arms is appointed by the Crown under a warrant from the lord chamberlain, and by letters patent under the great seal which direct him "to attend upon His Majesty's person when there is no parliament; and at the time of every parliament, to attend upon the Speaker of the House of Commons;" but after his appointment he is the servant of the house, and may be removed for misconduct.

See May, 204. The serjeant-at-arms is also by statute (52 Geo. 3, c. 11) housekeeper of the House of Commons. He is assisted by a deputy-serjeant and an assistant-serjeant. He sees to the maintenance of order in the lobbies and passages of, and approaches to, the house, and may be treated as representing the executive authority of the house.

Chapter V.

SITTINGS OF THE HOUSE AND ARRANGEMENT OF BUSINESS.

Ordinary sittings.

32. Unless the house otherwise orders, the house, whilst in session, meets every Monday, Tuesday, Wednesday, and Thursday at a quarter to three o'clock.

See S. O. 1.

Friday sittings.

33. The house, whilst in session, meets every Friday at noon.

See S. O. 2.

Adjournment over Saturday.

34. While the committees of supply and ways and means are open, the house, when it meets on Fridays, stands adjourned at its rising until the following Monday, without any question being put, unless the house otherwise order.

See S. O. 24; May, 212. The committees of supply and ways and means are appointed soon after the beginning (*see* § 230), and usually sit until shortly before the close of the session. The result is that a formal motion for

adjournment over Saturday is not necessary, except at the beginning of a session, or in the event of proceedings being continued after the committees of supply and ways and means have been closed. When the house meets on Saturday the customary hour of meeting is noon. *See* May, 213, 265. A motion for adjournment until Saturday (instead of Monday) does not require notice (*see* adjournment of July 27, 1906).

Interruption of business.

35. At eleven on Monday, Tuesday, Wednesday, and Thursday, except in the case of business exempted under S. O. 1, and at five on Friday, the proceedings on any business then under consideration are interrupted.

Provided that if, at the time for interruption, the closure is moved, or proceedings under the closure are in progress, the Speaker or chairman does not leave the chair until the proceedings under the closure and on any such further motion as is specified in the standing order as to closure have been completed.

See S. O. 1 and, as to closure, S. O. 26 and § 134.

In practice the rule as to interruption does not prevent the house from completing the proceedings on which a division is in process of being taken at the time for interruption. If a division is in progress at the time

appointed for interruption of business, the interruption takes place after the declaration of numbers from the chair. If the division is on an amendment, or on an amendment to an amendment, the Speaker or chairman proceeds to put in proper sequence all the questions which have already been proposed from the chair. But if any member offers to speak upon them, or objects to further proceedings, the chair must interrupt the business, and on that interruption closure may be moved. If the closure is carried, the further motions authorised by S. O. 26 as to closure may then be made. *See* § 134, and May, 217-220. Towards the end of the session special orders are usually made for suspending the operation of the Standing Order as to interruptions.

Exempted business.

36. The business exempted under S. O. 1 includes—

(1) any bill originating in committee of ways and means;

(2) proceedings taken in pursuance of any Act of Parliament or standing order; and

(3) proceedings exempted in pursuance of an order made on notice by a minister of the Crown as provided by S. O. 1. (*See* § 37.)

See S. O. 1; May, 216, 217. Proceedings taken (or in the language of S. O. 1 "made") in pursuance of an Act of

SITTINGS OF THE HOUSE AND ARRANGEMENT OF BUSINESS—CHAP. V. *continued.*

Parliament include some, but not all, of the schemes, statutory rules and orders, and other documents which are required by provisions of sundry Acts of Parliament to be laid on the table of the house, for a specified period, in order to give the house an opportunity for signifying its disapproval. It has been ruled that where the Act of Parliament under which any such scheme or set of rules or orders is laid gives a particular effect to the expression of the disapproval of the house the discussion can be treated as "exempted business"; otherwise not. A list of the documents so laid, showing the date at which each document was laid and the period for which it is required to be laid, is circulated every Saturday with the votes. The Speaker directed (13 April, 1900) that "when a statute provides that any document shall lie on the table of the house for a certain number of days, it shall not be deemed to have been laid on the table until a complete copy thereof has been laid thereon."

The Army (Annual) Bill has always been treated as "exempted business."

Motion for exemption from interruption.

37. A motion may be made by a minister of the Crown at the commencement of public business, to be decided without amendment or debate, to the following effect: "That the proceedings on any specified business, if under discussion at eleven this night, be not interrupted under the standing order 'sittings of the house,'" or to the following effect: "That the proceedings on any speci-

fied business, if under discussion when the business is postponed, be resumed and proceeded with, though opposed, after the interruption of business."

See S. O. 1. This rule applies only to a motion for exempting specified business at a particular sitting. A motion for exempting all business, or all government business, or for exempting specified business during more than one sitting, or for exempting specified business from the interruption at 5 on Friday, is debateable. As to the postponement of business, *see* S. O. 4 (6), below §§ 42, 49.

Effect of interruption.

38. At the time for interruption of business—

(*a*) if the Speaker is in the chair, he declares that the debate or proceedings stand adjourned;

(*b*) if the house is in committee, the chairman leaves the chair and makes his report to the house; and

(*c*) if any dilatory motion is pending, it lapses without question put.

By the expression "dilatory motion" is meant a motion for the adjournment of the

house or of the debate, or in committee that the chairman do report progress or do leave the chair.

After the business under consideration at eleven has been disposed of, no opposed business can be taken, unless it is exempted business.

After the business under consideration at five on Friday has been disposed of, no opposed business can be taken.

See S. O. 1. But under S. O. 46 a motion for committing a bill after second reading to a committee of the whole house, or to some committee other than a standing committee, may be made after the expiration of the time for opposed business. After the interruption at 11 and at 5 the remaining orders are read. If they are disposed of before 11.30 the adjournment of the house is usually moved from the treasury bench. Certain questions of a formal and consequential kind (*see* May, 215) are not treated as opposed business for the purpose of this S. O.

Adjournment of house at 11.30 and on Fridays.

39. If the house is sitting at half-past eleven p.m., the Speaker adjourns the house without question put, unless exempted business is then under consideration.

On Friday, when all the business appointed for the sitting has been disposed of, or at half-past five p.m. if the house is still sitting, the Speaker adjourns the house without question put.

See S. O. 1. The adjournment of the house is usually moved from the treasury bench as soon after 11 p.m. as the orders of the day have been read and disposed of, *i.e.* before the arrival of the time for adjournment under this rule. On this motion the question is put, and statements or comments may be made or questions asked until the time for automatic adjournment. But no division can take place, for a division would make the proceedings "opposed business."

The rule as to adjournment, like the rule as to interruption, does not prevent the completion of proceedings on which a division is in process of being taken when the time for adjournment arrives.

If exempted business is under consideration at 11.30 p.m. the remaining orders are read when the exempted business has been disposed of, but they cannot be taken if opposed. *See* S. O. 1 (8).

Business outstanding at end of sitting.

40. All business appointed for any sitting, and not disposed of before the termination of the sitting, stands over until the next sitting, or until such other sitting on any day on which the house ordinarily sits as

the member in charge of the business may appoint.

See S. O. 1. Business appointed for any sitting, and not disposed of at the time of interruption, is called in its order, either by the clerk reading its description among the orders of the day, or by the Speaker calling upon the member who has given notice of a motion. If it is unopposed or "exempted," it can be taken. In any other case the member in charge names the day on which it is to be taken, and it is then set down in the order book as an order of the day accordingly. It is in the discretion of the member in charge of the business to fix the day, and no debate can arise on the point. Notice is sometimes given beforehand to a clerk at the table of the day to which an order of the day is to stand over, and then the clerk names that day when the order is called. An order which is dropped from the list may be restored on application. Saturday is not "a day on which the house ordinarily sits."

Notices of motions and orders of the day.

41. The ordinary public business of each day is classified as consisting of notices of motions and orders of the day.

A notice of motion is a motion of which notice has been previously given for a particular day.

An order of the day is a matter which has been set down for a particular day in pursuance of an order of the house.

On Friday, when all the business appointed for the sitting has been disposed of, or at half-past five p.m. if the house is still sitting, the Speaker adjourns the house without question put.

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See May, 257. The classification of public business as notices of motions and orders of the day is ancient, and is not easily intelligible to persons who are not familiar with the procedure of the house. A motion may be either (*a*) substantive and independent, or (*b*) relating to and arising out of an order of the day, *e.g.* a motion to postpone a stage of a bill, or to amend a bill. A motion becomes an order of the day as soon as the debate on it has been adjourned by order of the house to a particular day.

Precedence of business.

42. Unless the house otherwise directs—

(*a*) Government business has precedence at every sitting except after a quarter past eight on Tuesday and Wednesday and the sitting on Friday;

(*b*) After a quarter past eight on Tuesday and Wednesday notices of motions and public bills, other than government bills, have precedence of government business, and any government business then under consideration is, without question put, postponed until the business having precedence of it is disposed of;

(*c*) After Easter, government business has precedence during the whole of Tuesday;

(*d*) After Whitsuntide, until Michaelmas, government business has precedence at all sittings except the sittings on the third and fourth Fridays after Whit Sunday;

(*e*) After a quarter past eight when government business has not precedence notices of motions have precedence of the orders of the day.

See S. O. 4. The practical effect of this order is as follows:—Before Easter private members have the time after 8.15 p.m. on Tuesday and Wednesday and the sittings of Friday for their business, priority being reserved on Tuesdays and Wednesdays for notices of motions, and on Fridays for public bills other than government bills, commonly called private members' bills. After Easter the government take the whole of Tuesday. After Whitsuntide the government take all sittings except two of the Friday sittings.

Arrangement of government business.

43. On days on which government business has precedence, the government may arrange that business, whether it consists

of orders of the day or of notices of motions, in such order as they think fit.

See S. O. 5. If the government think it desirable to grant special facilities for the discussion of a private member's bill or notice of motion, they can give it the same precedence as they can to their own business.

In printing the notice paper a * is prefixed to each item of government business.

Relative precedence of private members' bills.

44. The relative precedence of bills, other than government bills, is determined in the first instance by ballot.

After Whitsuntide, bills, other than government bills, are arranged on the order book so as to give priority to the bills most advanced, that is to say in the following order:

Consideration of lords' amendments to public bills;

Third readings;

Consideration on report of bills as amended;

Bills in progress in committee;

Bills appointed for committee;

Second readings.

The arrangements for determining by ballot which members are entitled to priority in the selection of the days to be fixed for the second reading of their bills are made under a sessional order which is passed for that purpose at the beginning of each session. *See* p. 307.

The arrangements under this order are as follows. On either of the first two days of the session a member who desires to ballot for a day may have his name entered, once only, on a numbered list which is kept for that purpose in one of the lobbies. If he enters the name of another member he may not enter his own. On the third day the ballot is held in a committee room, usually in the presence of the chairman or deputy-chairman of ways and means, lots are drawn, and the result is published. If a member is successful in the ballot he elects whether he will give notice of a motion or present a bill. In either case he must, to secure precedence, hand in at the table his notice of the motion or of the bill, as the case may be, during the sitting of the house on the third day. Members who have not been successful may also give notice of motion or of intention to present bills, taking their chance. On the fourth day of the session bills are presented in the order secured by the ballot, and members select days for second reading accordingly. A list of bills to be presented on any day appears on the notice paper for that day.

The directions as to the relative priority of private members' bills after Whitsuntide are given by S. O. 6.

Relative precedence of private members' motions.

45. The relative precedence of notices of motions, made otherwise than by a minister of the Crown, is determined by ballot.

The priority of notices of motions for the first four motion days of the session is determined by a ballot taken at the same time and in the same mode as the ballot for bills, the same list being used for both purposes. Subsequently a ballot is taken, by one of the clerks at the table, after questions, and usually on Tuesday and Wednesday in each week during that part of the session in which private members have precedence at 8.15 on those days. As soon as the committee of supply has been set up, a ballot is also taken for the motions which may be made on first going into committee on the various classes of estimates. (*See* § 232.) A ballot is also taken for motions on going into committee on the East Indian revenue accounts. (*See* § 63.) A member desiring to give notice enters his name on a numbered list kept for that purpose in one of the lobbies, and papers with numbers corresponding to those on the list are placed in a box. In the house a clerk at the table takes out, at hazard, from the box one of the papers, and calls its number, and the Speaker calls from the list the corresponding name. The member whose name is called, or some one authorised by him, must then, if he wishes to secure precedence, give oral notice of a motion on a specified subject for a specified day. Other members besides those whose names are drawn may at the same time give notice on the chance of their finding an opportunity. *See* May, 241. The oral notice must, for the purpose of obtaining precedence, be followed by a written notice on the same day. *See* § 119.

The notice of a motion must not be given for a day later than the fourth subsequent day on which notices of motion have precedence. *See* S. O. 7, and § 118.

Precedence of privilege motions.

46. A motion on a question of privilege suddenly arising is entitled to immediate precedence over all other business.

A motion on a question of privilege may be made before the commencement of public business, although the question does not suddenly arise, but any such motion should be made on the earliest opportunity.

A motion on a question of privilege does not require notice, but notice sometimes may be and is conveniently given.

See May, 271-276. The rule giving precedence to privilege motions is strictly construed. "It has been the practice of the house to restrain privilege under great limitations and conditions." Mr. Speaker Peel, 22 February, 1887; 377 Hansard, 3rd series, vol. 311, p. 286; May, 276. When a question of privilege has been referred to a select committee priority cannot be claimed on the ground of privilege for a motion either to dissent from or to affirm the decision of the committee.

As to privilege generally, *see* May, chapters iii., iv., v., vi.

As to the committee of privileges, *see* § 109.

Order of proceedings.

47.—(1) At the meeting of the house on each sitting day prayers are read immediately after the entry of the Speaker into the house.

(2) Business is then usually taken in the following order:—

1. Private business:
2. Presentation of public petitions, if presented orally:
3. Questions:
4. Any motion for adjournment under S. O. 10:
5. Matters taken at the commencement of public business:
6. Orders of the day and notices of motions.

See May, 232-233. A notice paper known as the "blue paper," showing the agenda for the day, is issued on the morning after each sitting day, with the votes and proceedings of the previous day, including the notices given on that day. A reprint, known as the "white paper," is issued shortly before the commencement of the sitting.

The order in which business is entered in these blue and white notice papers does not correspond to the order in which it is actually taken. But at the top of the first page of the white paper there is a list of the different classes of business, referring to the pages on which they are entered, and indicating the order in which they are to be taken.

There is also circulated each day a print entitled "The Order Book of the House of Commons," showing the orders of the day and notices of motions set down

for any day of the session, and the notices of motions for which no particular day has yet been fixed. The latter notices include notices of motions for reduction of votes in committee of supply.

Every Monday there is circulated a list of the public bills introduced during the session into the House of Commons, showing the member by whom each bill was brought in and the stage which each bill has reached. In this list, as well as on the daily notice papers, government bills are distinguished by an asterisk.

Under the existing practice the oral presentation of petitions does not occupy any appreciable part of the public time of the house. *See* § 50.

After the conclusion of private business and before the commencement of questions, motions for unopposed returns and other classes of non-contentious business, of which notice is not required, are occasionally taken. To these classes belong motions for leave of absence (*see* § 270), motions to set up "money committees" (*see* § 219, 167), and the consideration of lords' amendments involving no question of principle (*see* § 208). If time cannot be found for them then, they may be taken after eleven o'clock or after 5 on Friday. Sometimes, however, it is found possible to take such a motion immediately after questions.

A motion for a new writ is usually made before questions.

The introduction of a new member takes place immediately after questions. *See* S. O. 84.

The time for asking leave to move the adjournment of the house "for the purpose of discussing a definite

matter of urgent public importance" is after questions and before the commencement of public business. *See* § 60.

If any of the private business set down on the notice paper is opposed, it stands over until a later day. *See* § 49.

If a sitting is held on Saturday, the order of proceedings is the same as at a Friday sitting, except that there is no limit to the duration of the sitting.

Reading of orders of the day.

48.—(1) As soon as the business which has precedence of the orders of the day is disposed of, the Speaker directs the clerk at the table to read the orders of the day, without any question being put.

(2) Orders of the day are taken in the order in which they are set down.

See S. O. 12, which has abolished the old question for reading the orders of the day, and S. O. 13, which prevents motions for postponing one order of the day to another. *See* May, 260-1.

Chapter VI.

MATTERS TAKEN BEFORE AND AT COMMENCEMENT OF PUBLIC BUSINESS.

It seems convenient to group under this head the matters which are usually dealt with before the regular business of the day is begun.

Private Business.

Time and mode of dealing with private business at sittings of the house.

49. Private business is taken at the commencement of a sitting.

Unopposed private business takes precedence of opposed private business.

All opposed private business which is set down for a sitting on Monday, Tuesday, Wednesday, or Thursday, and is not disposed of by three, must, without question put, be postponed until such time as the chairman of ways and means may determine.

Opposed private business may not be set

down for a Friday sitting, nor for a quarter-past eight on Wednesday between Easter and Whitsuntide.

Opposed private business postponed under this rule—

(*a*) must be taken at 8.15, or as soon thereafter as any motion for the adjournment of the house standing over from the earlier part of the sitting has been disposed of; and

(*b*) must be distributed as near as may be proportionately between the sittings on which government business has precedence and the other sittings.

No opposed private business other than that then under consideration can be taken after 9.30 p.m.

See S. O. 8. The private business to which the foregoing rule refers consists of those stages of private bills, of provisional order confirmation bills, and of bills for confirming orders under the Private Legislation Procedure (Scotland) Act, 1889 (62 & 63 Vict. c. 47), for which an order of the house is required. It includes

also any motion for amendment or suspension of the standing orders relating to private business.

The stages of a private bill for which an order of the house is required are—

1. Second reading ;
2. Consideration of a bill ordered to lie upon the table of the house ;
3. Third reading ;
4. Consideration of lords' amendments.

As to what bills are ordered to lie upon the table, *see* S. O. (private business) 213 and § 275 (15).

Private bills set down for the same sitting are arranged in such order as to give precedence to those which are most advanced, *i.e.*, in the inverse order to that stated above. *See* S. O. (private business) 225.

Instructions to the committee on a private bill (*See* May, 731-744) are usually moved after the second reading of the bill, but may be moved at any time whilst the bill is before the committee.

When the King's consent is required for a private bill that consent must be signified by a privy councillor. A copy of the bill, endorsed with a note by the proper department of the government to the effect that there is no objection to the King's consent being given, is also given to the clerk at the table.

The list of the private business to be taken on any day is prepared by the officials of the private bill office, in accordance with the notices given under the standing orders by parliamentary agents. *See* May, 234.

S. O. 207, relating to private business, directs that "in

cases where the second or third reading of a private bill, or the consideration of a bill as amended by the committee, or any proposed clause or amendment, or any motion relating to a private bill, is opposed, it must (subject to a proviso as to contingent motions) be postponed until the day on which the house next sits." *See* § 276.

Consequently, as soon as any such private business is opposed, it must be put off until the next sitting day, unless it is a contingent motion, or directions have been given by the chairman of ways and means for its postponement to some particular sitting after 8.15 p.m.

The effect of S. O. 8 is that about ten minutes are allowed for getting through the private business set down for a sitting on Monday, Tuesday, Wednesday, or Thursday.

The business which, under S. O. 15, must not be taken before eleven on an allotted day does not include private business. Consequently opposed private business may be, and is, postponed to 8.15 on an "allotted day."

As to the stages in proceedings on private bills *see* ch. xvii.

Public Petitions.

Public petitions must be distinguished from the petitions for or relating to private bills, which are regulated by the standing orders on private bills. The presentation of petitions to the House of Commons used at one time to be the most convenient mode of directing attention to and discussing subjects of public importance, but since the right of raising a debate on a petition has been taken

away petitions no longer occupy any appreciable part of the time of the house.

50. The form of public petitions is governed by the following rules :— Form of petitions.

(i) A petition must be addressed to the House of Commons ;

(ii) A petition must be written ; it must not be printed, lithographed, or type-written ;

(iii) A petition must be in the English language, or accompanied by an English translation, certified as correct by the member who presents it ;

(iv) A petition must be free from interlineations or erasures ;

(v) A petition must conclude with a prayer :

(vi) A petition must be signed by the parties whose names are appended thereto, and by no one else, except in case of incapacity by sickness. Every person signing a petition must

write his address after his signature, or his signature will not be counted. If signatures are affixed to more than one sheet, the prayer of the petition must be repeated at the head of each sheet; but on every sheet after the first the prayer may be reproduced in print or by other mechanical process. Signatures upon sheets not so headed are not counted. The prayer signifies that part of the petition which expresses the object of the petitioners, as distinguished from formal parts;

(vii) No letter, affidavit, appendix, or other document must be annexed to a petition;

(viii) A petition must not refer to a debate in parliament, nor to any intended motion, unless a notice of the motion appears on the notice paper;

(ix) A petition must be respectful,

decorous, and temperate in its language;

(x) The member by whom a petition is presented is responsible for seeing that it is in conformity with the rules and orders of the house.

See May, pp. 524-529. A copy of the rules as to petitions is sent to every member at the beginning of each session. If a petition is irregular, or is a duplicate of one already presented in the same session, it is returned to the member by whom it was presented.

Restrictions on petitions relating to public money.

51.—(1) A petition for any sum relating to public service, or for a charge upon the revenues of India, is not received without the recommendation of the Crown.

(2) A petition for compounding any debt to the Crown is not received without a certificate from the proper officer or officers, stating the debt, what proceedings have been taken for its recovery, and how much the petitioner and his security are able to satisfy thereof.

See S. O. 66, 68, 70; § 218, and May, 563.

Presentation of petitions.

52.—(1)[1] A public petition can only be presented by a member of the house, except in the case of a petition formally presented at the bar of the house by the lord mayor or sheriffs of the city of London or by the lord mayor of the city of Dublin.[2]

(2) A public petition must show on its face the name of the member by whom it is presented.[3]

(3) A member must not present a petition from himself.[4]

(4) A petition can be presented at any time during the sitting of the house by being placed in the bag kept for that purpose at the back of the Speaker's chair.[5]

(5) If a member rises in his place to present a petition, he must confine himself to a brief statement of the persons from whom the petition comes, of the number of signatures attached thereto, and of the material allegations contained in it, and to the reading of the prayer of the petition,[6] but the petition

may be read by the clerk at the table, if required.[7]

(6) On the presentation of a petition, no debate on or in relation to the petition is allowed, unless the petition complains of some present personal grievance, for which there may be an urgent necessity for providing an immediate remedy.[8]

[1] As to the presentation of petitions, *see* May, 529-535.

[2] *See* May, 529, 530.

[3] *See* May, 529.

[4] May, 530. In practice this rule is not construed as preventing a member from presenting a petition signed by himself as chairman of a county council or in some similar representative capacity.

[5] This is the ordinary mode of presenting petitions. Petitions presented before 4 p.m. on any day are entered on the votes of that day. Petitions presented after 4 p.m. are entered on the votes of the next day. Petitions cannot be presented on the first day of a session, or, in a new parliament, until a Speaker has been elected and approved.

[6] *See* May, 533 and S. O. 76. If a member wishes to avail himself of this mode of presenting a petition he must do so between the time for private business and the commencement of questions. *See* § 47 (2)

[7] *See* S. O. 77.

[8] *See* S. O. 77, 78. The cases in which the exception has been allowed are very rare, *see* May, 533. As to petitions raising questions of privilege, *see* May, 534.

Reference of petitions to committee on public petitions.

53.—(1) Public petitions, when presented to the house, are ordered to lie on the table, and are referred to the committee on public petitions.[1]

(2) The committee cause the petitions so referred to be classified, analysed, and, if necessary, printed at length, and report on them periodically to the house.[2]

(3) If the committee do not cause a petition to be printed, and the petition relates to a subject with respect to which the member presenting it has given notice of a motion, he may, after notice given, move that it be printed with the votes.[3]

[1] *See* S. O. 79, and May, 532. There is an exception in the case of petitions raising a question of privilege, and petitions "complaining of some present personal grievance," &c., within the meaning of the last rule. As to the committee on public petitions, *see* § 107, and May, 405, 534.

[2] *See* May, 534.

[3] *See* S. O. 79; May, 533-4.

Questions to Ministers and other Members.

Notice of questions.

54. Notice of a question intended to be addressed to a minister of the Crown, or to another member of the house, must be given by a member in writing to the clerk at the table, unless the consent of the Speaker to any particular question has been previously obtained.

See S. O. 9 (1); May, 246.

Notice of a question to the Speaker will not be received. *See* May, 247.

The copy of the question handed in at the table should state the name of the member asking the question and the day on which an answer is desired. If an oral answer is desired, the question should be distinguished by an asterisk.

A question of which notice is so given usually appears on the notice paper of the following day.

Time for asking questions.

55. Questions are taken on Monday, Tuesday, Wednesday, and Thursday, after private business has been disposed of, and begin not later than three p.m.

No questions are taken after a quarter before four, except—

(*a*) any question which has not been answered in consequence of the absence of the minister to whom it is addressed ; and

(*b*) questions which have not appeared on the notice paper, but which are of an urgent character, and relate either to matters of public importance or to the arrangement of business.

See S. O. 9 (2), (3).

Oral and printed answers.

56. Any member who desires an oral answer to his question may distinguish it by an asterisk, but notice of any such question must appear at latest on the notice paper circulated on the day before that on which an answer is desired.

In the following cases—

(*a*) if a member does not distinguish his question by an asterisk ;

(*b*) if he or any other member deputed by him is not present to ask it ; or

(*c*) if it is not reached by a quarter before four—

the minister to whom the question is addressed causes an answer to be printed and circulated with the votes, unless the member has signified his desire to postpone the question.

See S. O. 9 (4), (5). Written answers to questions are sent to the journal office, and, if they arrive in time, are circulated next day with the votes.

Mode of asking questions.

57. When the time for asking questions arrives the Speaker calls successively each member in whose name a question appears on the notice paper.

The member so called rises in his place and asks the question by reference to its number on the notice paper.

When all the questions for which an oral answer is desired have been called, the Speaker, if time permits, calls again any question which has not been asked by reason of the absence of the member in whose name it stands. He also calls again any question which has not been answered by reason of the absence of the minister to whom it is addressed.

(5) A question must not be asked about proceedings in a committee which have not been placed before the house by a report from the committee:

(6) A question must not ask for an expression of opinion, or for the solution of an abstract legal question, or of a hypothetical proposition:

(7) A question may not be asked as to the character or conduct of any person except in his official or public capacity:

(8) A question reflecting on the character or conduct of any person whose conduct can only be challenged on a substantive motion may not be asked:[1]

(9) A question making or implying a charge of a personal character may be disallowed:

(10) A question fully answered must not be asked again.

See May, 249-252. The Speaker is the judge of the propriety or admissibility of a question, and disallows a question when in his opinion it is an abuse of the right of questioning. For instance, a question may be disallowed on the ground of unreasonable length, impropriety of expression, or the like.

[1] *See* § 152, note 8.

Motions for Adjournment for Purposes of Debate.

Motion for adjournment for purposes of debate.

60.—(1) Leave to make a motion for the adjournment of the house, if made for the purpose of discussing a definite matter of urgent public importance, must be asked on Monday, Tuesday, Wednesday, or Thursday after questions, and before the orders of the day or notices of motions have been entered upon.[1]

(2) If a member desires to make such a motion, he rises in his place, says that he asks leave to move the adjournment of the house for the purpose of discussing a definite matter of urgent public importance,[2] and states the matter.

(3) He then hands a written statement of the matter proposed to be discussed to the Speaker, who, if he thinks it in order, reads it out, and asks whether the member has the leave of the house. If objection is taken, the Speaker requests those members who support the motion to rise in their places, and if more than forty members rise accordingly, the Speaker calls upon the member who has asked for the leave.

(4) If less than forty, but not less than ten, members rise in their places, the question whether the member has leave to move the adjournment of the house may be put forthwith, and determined, if necessary, by a division.

(5) Except with the requisite leave or support, the motion cannot be made.

(6) If the requisite leave or support is obtained, the motion stands over until 8.15 on the same day.[3]

(7) The right to move the adjournment of the house for the purpose of discussing a

definite matter of urgent public importance is subject to the following restrictions:[4]

(i) Not more than one such motion can be made at the same sitting;

(ii) Not more than one matter can be discussed on the same motion;

(iii) The motion must not revive discussion on a matter which has been discussed in the same session;[5]

(iv) The motion must not anticipate a matter which has been previously appointed for consideration by the house or with reference to which a notice of motion has been previously given;[6]

(v) The motion must not raise a question of privilege;

(vi) The discussion under the motion must not raise any question which, according to the rules of the house, can only be debated on a distinct motion after notice.[7]

See S. O. 10; May, 246-251.

MATTERS TAKEN BEFORE AND AT COMMENCEMENT OF PUBLIC BUSINESS—CHAP. VI. *continued.*

[1] *See* S. O. 10. Formerly a motion for the adjournment for purposes of debate might be made without leave or conditions at any time before the orders of the day were called on. The S. O. has limited this class of motion, but does not affect such motions for immediate adjournment as have occasionally to be made by ministers of the Crown.

[2] The Speaker does not allow the motion to be made if in his opinion it is not definite, or the matter is not important or not urgent. In doubtful cases the questions of urgency and of importance are left for the house to decide by giving or withholding its support.

[3] At 8.15 it takes precedence of other matters. *See* § 49 and S. O. 10.

[4] These restrictions have been enforced by rulings from the chair.

[5] *See* § 125.

[6] *See* § 126.

[7] *e.g.* personal charges and questions as to the conduct of certain high officials. *See* May, 278.

Matters taken at the Commencement of Public Business.

Matters which may be taken at commencement of public business.

61. The matters which may be taken at the commencement of public business include—

(1) presentation of bills without a previous order of the house (§ 165);

MATTERS TAKEN BEFORE AND AT COMMENCEMENT OF PUBLIC BUSINESS—CHAP. VI. *continued.*

(2) motions for leave to bring in bills and for the nomination of select committees (§§ 166, 84);

(3) motions by a minister of the Crown relating to the business of the house.

In the notice paper a separate heading is given to matters which can be taken "At the commencement of Public Business." This heading marks a distinct group of matters the disposal of which immediately precedes the reading of the orders of the day. (*See* § 48.)

After the first matter which stands under this heading has been called, it is not permissible to take any question, notice, motion, or other matter which cannot be taken after the orders of the day have been called and before they have been disposed of.

CHAPTER VII.

COMMITTEES.

The committees appointed by the house include (1) committees of the whole house; (2) standing committees for legislative purposes; (3) the select committees which are appointed from time to time to consider bills or other matters; (4) joint committees of the two houses; and (5) certain sessional committees.

Committees of the whole house.

Resolution of house into committee.

62. A committee of the whole house is appointed in pursuance of a resolution that the house will, either immediately or at a specified future time, resolve itself into a committee for a stated purpose.

The most important committees of the whole house are (1) the committees on the ordinary financial arrangements of the year, known as the committees of supply and of ways and means, and (2) committees on public bills.

The house resolves itself into committee once a year on the East India revenue accounts which are presented annually to parliament under s. 53 of the Government of India Act, 1858 (21 & 22 Vict. c. 106). It also resolves itself into committee from time to time on the

resolutions which must precede bills or clauses imposing a charge upon the public revenues (*see* § 167) and on messages from the Crown involving similar charges.

Procedure on reading order of day for a committee.

63. When an order of the day is read for the house to resolve itself into a committee (not being a committee to consider a message from the Crown, or the committee of supply, or the committee on the East India revenue accounts), the Speaker leaves the chair without question put, and the house thereupon resolves itself into the committee, unless, before the house first goes into committee on the business in question, an instruction to the committee is moved and proposed from the chair.

See S. O. 51 and 32, and § 174.

S. O. 32 (passed 5 August, 1853) has not been formally repealed, but is practically superseded by S. O. 51 (passed 25 February, 1888; amended 17 February, 1891) except so far as it prevents an instruction being moved after progress has been established in committee. (*See* Denison's Diary, p. 53.) As to instructions, *see* § 176.

As to the committee of supply, *see* below § 232

In the case of committees to consider a message from the Crown, or the East India revenue accounts, the question that the house will resolve itself into the com-

mittee must be put from the chair. The object of exempting the committee on the East India revenue accounts from S. O. 51 was to provide an opportunity for general debate on the questions which arise on the accounts. *See* May, 598. The rules as to debate on going into committee on East India accounts correspond to those as to debate on first going into committee of supply, and a similar ballot is taken for precedence of amendments. *See* § 45.

rocedure on peaker aving the air.

64. As soon as the Speaker leaves the chair the serjeant-at-arms places the mace under the table, and the chairman of the committee takes the chair which is ordinarily occupied by the clerk of the house.

The presence of the mace on the table is the sign of the Speaker, or the Deputy-Speaker, being in the chair. When he is absent, and the house is in committee, the mace is placed on rests affixed to the end of the table.

The clerk of the house does not, as such, attend the house except when the Speaker (or the Deputy-Speaker) is in the chair, In a committee of the whole house it is customary for the clerk assistant to officiate as clerk. *See* May, 393.

hairman of ommittee.

65. The chairman of the committee of ways and means ordinarily takes the chair of a committee of the whole house.

In his absence the chair is ordinarily taken either by the deputy-chairman or by

one of the temporary chairmen, but is occasionally taken by some other member.

As to the chairman of the committee of ways and means (usually called the chairman of ways and means), *see* § 25. As to the deputy-chairman, *see* § 26. As to the temporary chairmen, *see* § 27. As to the chairman's casting vote, *see* § 139.

If neither the chairman nor the deputy-chairman, nor any of the temporary chairmen, is present, some other member usually takes the chair on a request from the treasury bench; but if his acting as chairman is objected to, the Speaker resumes his chair and a chairman is appointed by the house. The chairman sometimes invites another member to take his place temporarily. *See* May, 381.

Procedure in committee of whole house.

66. The rules as to procedure in committee of the whole house are those which apply to procedure when the Speaker is in the chair except that—

(i) a motion need not be seconded;

(ii) the previous question cannot be moved;

(iii) a member may speak more than once on the same question;

(iv) the motion for closure cannot be put unless either the chairman of

ways and means, or, after announcement of his unavoidable absence, the deputy-chairman, is in the chair.

As to order in committee of the whole house, *see* §§ 158-161.

Effect of message from House of Lords.

67. If, while the house is in committee, a message is brought requesting the attendance of the house in the House of Lords, the chairman leaves his chair and the Speaker returns.

Report from committee on interruption of business.

68. If the business appointed for consideration by a committee of the whole house is not completed at the time for interruption of business the chairman leaves the chair and makes his report to the house.

The chairman makes his report by addressing the Speaker, reporting that progress has been made, or that the committee have come to certain resolutions, and asking leave to sit again. The member in charge of the business before the committee then names the day for its resumption and for the report stage of any resolutions passed. If the proceedings are terminated by a "count," without a report, the report can be made after the next sitting of the committee.

Discontinuance of proceedings by order to report progress or

69. The proceedings in a committee of the whole house may at any time be discon-

tinued by an order to report progress, or by an order that the chairman do leave the chair. order that chairman leave chair.

An order to report progress is the usual mode of suspending proceedings in a committee. An order that the chairman do leave the chair makes the committee a "dropped order." May, 390. As to the effect of a count out in committee of supply, *see* § 233, and May, 612.

If the chairman thinks that a motion to report progress, or that the chairman do leave the chair, is an abuse of the rules of the house he may deal with it under S. O. 23. *See* § 159.

70. When a committee of the whole house has completed the consideration of the matters referred to it, and has passed resolutions thereon, the chairman puts the question that he do report the resolutions to the house, and on the order for his so reporting being made, he leaves the chair without question put and reports the resolutions to the Speaker. Report from committee on completion of business.

See S. O. 52, 53. This is the procedure where the matter referred to a committee is the subject of resolutions. As to the procedure on bills, *see* § 187.

The chairman reports the resolutions by addressing the Speaker and informing him that the committee have come to certain resolutions. A time is then appointed for considering the report of the resolutions.

Procedure on consideration of report of resolutions from committee.

71. On the order being read for considering resolutions reported from a committee of the whole house the clerk at the table reads each resolution for the information of the house, and the Speaker afterwards proposes the question that the house do agree with the committee in the said resolution. The time for moving an amendment on any resolution is when it has been so read, and before the question that the house do agree has been proposed. After this question has been proposed no amendment can be moved on the resolution. If the resolution is amended the question proposed is that the house do agree with the said resolution as amended.

The consideration of a resolution may be postponed, and, under special circumstances, resolutions have been recommitted.

See May, 391. As to recommittal of resolutions of supply, *see* note on § 236.

Standing Committees.

Appointment of standing committees.

72. In each session four standing com-

mittees are appointed for the consideration of all bills committed to them.

See S. O. 47; May, 393.

Constitution of standing committees.

73.—(1) One of the standing committees is appointed for the consideration of all public bills relating exclusively to Scotland and committed to a standing committee. It consists of all the members representing Scottish constituencies together with not more than fifteen other members nominated in respect of any bill by the committee of selection, who are to have regard in such nomination to the approximation of the balance of parties in the committee to that in the whole house.

(2) Each of the other standing committees consists of not less than 60 nor more than 80 members, who are nominated by the committee of selection.

(3) In nominating the members of the standing committees, other than the committee on Scottish bills, the committee of selection are to have regard to the classes of bills committed to the committees; to the

composition of the house; and to the qualifications of the members selected.

Provided that for the consideration of bills relating exclusively to Wales and Monmouthshire, the standing committee must be so constituted as to comprise all members sitting for constituencies in Wales and Monmouthshire.

(4) The committee of selection may discharge members for non-attendance or at their own request from attendance on any of the standing committees and appoint others in substitution for those discharged.

(5) The committee of selection may also, in the case of any standing committee other than the committee on Scottish bills, add not more than 15 members to the committee in respect of any bill committed to it, to serve on the committee during the consideration of the bill.

See S. O. 47, 48; May, 394. As to the committee of selection, *see* § 105.

Chairmen of standing committees.

74.—(1) The committee of selection nominate a chairmen's panel, consisting of

not less than 4 nor more than 8 members, of whom 3 are a quorum.

(2) The chairmen's panel appoint from among themselves the chairman of each standing committee, and may change the chairman so appointed.

See S. O. 49; May, 394.

Committal of bill to standing committee.

75.—(1) Where a bill has been read a second time it stands committed to one of the standing committees, unless the house, on motion decided without amendment or debate, otherwise order. Such a motion does not require notice, must be made immediately after the bill is read a second time, may be made by any member, and may, though opposed, be decided after the expiration of the time for opposed business. But this rule does not apply to bills for imposing taxes, or consolidated fund or appropriation bills, or bills for confirming provisional orders.

(2) Provided that the house may, on motion made by the member in charge of a bill, commit the bill to a standing committee

in respect of some of its provisions, and to a committee of the whole house in respect of other provisions, and that, if such a motion is opposed, the Speaker after permitting, if he thinks fit, a brief explanatory statement from the member who makes and from the member who opposes the motion, must, without further debate, put the question thereon.

(3) The bills committed to a standing committee, other than those relating exclusively to Scotland, are distributed among the committees by the Speaker.

See S. O. 46, 47, and § 173. The procedure under the proviso, par. (2), corresponds to that under S. O. 11.

An instruction to a standing committee must not be mandatory. *See* § 176.

Reference of amendments to standing committee.

76. When a bill has been committed to a standing committee, any notice given by a member of any amendment to a clause in the bill stands referred to the committee.

See S. O. 47; May, 396. An amendment so referred is not proposed unless moved by some member of the committee.

Time for sitting of committee.

77. A standing committee must not sit whilst the house is sitting, except in pursuance of a resolution of the committee, moved by the member in charge of the bill before the committee, and decided without amendment or debate; and must not sit after four p.m. without an order of the house. Subject to these restrictions, standing committees can fix their own hours of sitting.

See S. O. 47.

Quorum of committee.

78. The quorum of each standing committee is 20.

See S. O. 47; May 394.

Procedure in standing committee.

79.—(1) The procedure in a standing committee is, unless the house otherwise orders, the same as in a select committee.

(2) S. O. 19 (as to irrelevance and repetition) and S. O. 26 and 27 (as to closure) apply to standing committees, with the substitution in S. O. 26 of the chairman of the committee for the chairman of ways and means, and in S. O. 27 of 20 for 100 as the number necessary to make the majority effective for the closure. The

chairman of a standing committee has the like powers as the chairman of a committee of the whole house has under S. O. 23 (as to dilatory motions).

See S. O. 47; May, 394. As to the standing orders referred to *see* §§ 158, 134, 159.

A division in a standing committee is taken by the clerk, who calls out the names of members. The doors of the committee room are locked during the division.

Standing committees are empowered to print and circulate their minutes and amended clauses. *See* May, 396 and p. 313.

Admission of strangers to standing committees

80. Strangers are admitted to a sitting of a standing committee, except when the committee order them to withdraw.

See S. O. 47; May, 394.

Select Committees.

Object of select committee.

81. A select committee is a committee appointed by the house to consider or take evidence upon any bill or matter and to report their opinion for the information and assistance of the house.

See May, 400. As to the reference of a public bill to a select committee, *see* § 173. Committees on private

bills are governed by special regulations which are embodied in the standing orders of the house relating to private business, and which differ in many respects (*e.g.*, adjournment, casting vote of chairman, &c.) from the regulations applying to select committees on public bills or on other public matters. *See* § 279.

Number of select committee.

82. A select committee must not, without the leave of the house, consist of more than 15 members.

A motion for such leave requires notice.

See S. O. 55 ; May, 403

Nomination of members of select committee.

83. Every member who intends to move for the appointment of a select committee must—

(1) endeavour to ascertain previously whether each member proposed to be named by him on the committee will give his attendance thereon ; and

(2) on or before the day next before the nomination of the committee place on the notice paper the names of the members intended to be proposed by him as members of the committee.

An amendment proposing a new name cannot be moved without notice at any stage.

See S. O. 55, 56, 57 ; May, 405. The rule as to notice does not apply to a committee on a matter of privilege or to a committee appointed to draw up reasons for disagreeing with Lords' amendments. These committees may be appointed and nominated without notice. *See* May, 403, 405.

The appointment of the committee, and the nomination of its members, are two stages which can be taken separately.

The nomination, wholly or partially, of members of select committees is sometimes left to the committee of selection. The members of committees on hybrid bills are always partially nominated by the committee of selection, and committees are sometimes specially constituted in the same, or a similar manner for the consideration of private bills. *See* May, 404-5, 463-9, 749-52, and §§ 164, 173.

Nomination of select committee at commencement of public business.

84. A motion for the nomination of a select committee may be made at the commencement of public business on Tuesdays and Wednesdays, and, if set down by the government, on Mondays and Thursdays also.

If the motion is opposed, the Speaker, after permitting, if he thinks fit, a brief

explanatory statement from the member who moves and from a member who opposes the motion, may without further debate put the question thereon or the question that the debate be now adjourned.

See S. O. 11. This order does not apply to a motion for the appointment of a select committee as distinguished from a motion for the nomination of its members. But the motions for the orders empowering a select committee to send for persons, papers, and records, and fixing its quorum, may be made at the same time with the motion for nomination.

As an amendment to substitute another name for one of those proposed would involve more speeches than are allowed by the standing order, such an amendment cannot be moved under the order. All that can be done on the occasion is to negative a proposed name.

Scope of inquiry by select committee.

85.—(1) The scope of an inquiry by a select committee is defined by the terms of the order under which it is appointed, but may be enlarged or restricted by an instruction from the house.

(2) An instruction to a select committee may be either permissive or mandatory.

The first paragraph of this rule is a general principle which applies to all committees. *See* May, 400.

As to instructions, *see* § 176; May, 400, 478.

Lists of members serving on select committee.

86. Lists of all members serving on each select committee are fixed in some conspicuous place in the committee office and in the lobby of the house.

See S. O. 58.

Sittings of select committees.

87. A select committee may sit on any day on which the house sits for business.

A select committee may sit whilst the house is sitting, and notwithstanding any adjournment of the house during the sitting of the committee.

A select committee may not, except by special order of the house, sit on a day when the house is not sitting.

This represents S. O. 54 as interpreted by practice and so much of S. O. 64 as is not superseded by S. O. 54. The rule as to not sitting on days when the house does not sit does not appear to apply to joint committees, in which, where the practice of the two houses differs, the practice of the House of Lords is usually preferred. *See* § 101.

Adjournment of select committee.

88. A select committee may adjourn its sitting from time to time and, by leave of the house, from place to place.

A select committee usually sits in one of the committee rooms of the House of Commons, but may occa-

sionally find it convenient to hold a sitting elsewhere. *See* May, 412. As to the adjournment of committees on private bills, *see* § 279 (4)

89. The quorum of a select committee is fixed by the house. Quorum of select committee.

If at any time during the sitting of a select committee the quorum so fixed is not present, the clerk of the committee must call the attention of the chairman to this fact, and the chairman must thereupon either suspend the proceedings of the committee until a quorum is present, or adjourn the committee to some future day.

See S. O. 62; May, 405. The quorum is usually fixed either when the committee is appointed, or when its members are nominated. If the house does not fix a quorum, all the members must attend. As to the number usually fixed as a quorum, *see* May, 406. There is a staff of committee clerks for the House of Commons, and the clerks of select committees are taken from this staff.

90. The chairman of a select committee is appointed by the committee. Chairman of select committee.

The first proceeding of a select committee is to choose its chairman. *See* May, 411.

Vote of chairman.

91. The chairman of a select committee has no vote unless there is an equality of voices.

But this rule does not apply to an ordinary private bill committee.

See May, 411. A division is taken by the clerk calling the names of the members. The doors of the committee room are locked while a division is being taken. As to the chairman's vote on a private bill, *see* § 279 (3).

Powers of select committee with respect to persons, papers, and records.

92. A select committee has no power to require the attendance of persons or the production of papers or records unless so empowered by order of the house.

If a committee is so empowered, a witness may be summoned by an order signed by the chairman, and must produce such documents as are required for the use of the committee.

If a witness fails to comply with any such order, his non-compliance is reported to the house, and he is liable to be dealt with as for a contempt of the house.

See May, 406. If a select committee is intended to

take evidence, power to send for persons, papers, and records is usually given to it when it is appointed.

As to the limitations on the power to send for papers, *see* May, 407.

As to the mode of summoning and examining witnesses, *see* §§ 257-264.

As to the cases in which a request must be substituted for an order to attend, *see* §§ 261, 262.

Presence of strangers during sitting of select committee.

93. The presence of strangers is usually permitted during the sitting of a select committee, except when the committee are deliberating.

See May, 408. The practice is to allow the presence of strangers during the examination of witnesses, but to require their withdrawal when the committee proceeds to deliberate. Members of the house have the right to be present during the deliberation of the committee, but, as a matter of courtesy, they usually withdraw. As to secret committees, *see* May, 410.

Record of proceedings of committee.

94.—(1) To every question asked of a witness under examination in the proceedings of any select committee, there must be prefixed in the minutes of the evidence the name of the member asking the question.

(2) The names of the members present each day on the sitting of any select committee must be entered on the minutes of the

proceedings of the committee and reported to the house on the report of the committee.

(3) In the event of any division taking place in any select committee, the question proposed, the name of the proposer, and the respective votes thereon of each member present, must be entered on the minutes of the proceedings of the committee and reported to the house on the report of the committee.

See S. O. 59, 60, 61. It is the duty of the committee clerk to see to the observance of these rules.

Preparation and discussion of report.

95. The chairman of a select committee usually prepares a draft report and submits it for the consideration of the committee.

An alternative draft may be submitted for consideration by any other member of the committee.

The draft adopted for consideration is read paragraph by paragraph, and may be amended.

See May, 416.

Every draft report is formally read the first time, and is recorded in the minutes. The chairman then pro-

poses the question that the draft report proposed by him be read a second time paragraph by paragraph. To this question an amendment may be moved with the object of adopting a draft report prepared by another member.

On consideration of the draft adopted, amendments are put and decided in accordance with the ordinary practice (*see* §§ 130-132), and the question is put with respect to each paragraph that this paragraph [*or* that this paragraph as amended] stand part of the report; and new paragraphs may be inserted or added by way of amendment.

The last question put is "that this report [*or* that this report as amended] be the report of the committee to the house."

Power to report opinion and make special report.

96. A select committee, having power to send for persons, papers, and records, may report their opinions and observations, together with the minutes of evidence taken before them, to the house, and also make a special report of any matters which they may think fit to bring to the notice of the house.

This power is given by S. O. 63. Before that order was passed in 1875 select committees had no power, without special leave of the house, to report either their opinion or the minutes of evidence taken before them. *See* May, 417, 418.

COMMITTEES—CHAP. VII. *continued.*

Ordinarily the evidence is not reported until the inquiry has been completed, and the report thereon is ready to be presented. But if an intermediate publication of the evidence, or more than one report, is thought necessary, the house will, on the application of the chairman of the committee, grant leave to the committee to report its opinion or observations from time to time or to report minutes of evidence only from time to time. *See* May, 418.

When a committee have not been able to complete their inquiry before the end of the session, they usually make a report to that effect, and recommend that they be reappointed in the next session of parliament. This report is accompanied by the minutes of any evidence taken. *See* May, 418.

Presentation of report to house.

97. The chairman of a select committee presents the report of the committee to the house by bringing it to the table. The report is then ordered to lie upon the table and to be printed.

The old practice under which a chairman appeared at the bar, was called by the Speaker, and then brought his report to the table, is now in most cases not observed.

The orders for lying on the table and for printing are made as orders of course.

Consideration of report.

98. If the house appoints a time for the consideration of a report from a select committee motions may be made expressing the

agreement or disagreement of the house therewith, or founded upon or confirming the resolutions of the committee.

Motions may also be made that the report be recommitted or recommitted with minutes of proceedings, so far as they relate to a particular paragraph, or recommitted and the order of reference amended.

See May, 420. Motions of this kind are rare, except on a bill reported from a select committee, as to which *see* §§ 192-196.

Joint Committees.

Constitution of joint committee.

99. A bill may be committed, or any other matter may be referred, to a joint committee of both houses, consisting of an equal number of members from each house.

See May, 421. Public bills, hybrid bills (*see* § 164), and private bills have been committed to joint committees. If a public or hybrid bill is committed to a joint committee it must subsequently pass through a committee of the whole house, as in the case of bills committed to an ordinary select committee. *See* § 196.

Appointment of joint committee

100. When it is desired to commit a bill or refer a matter to a joint committee, the House of Commons usually passes a resolu-

tion to that effect, and sends a message to the House of Lords to inform them of the resolution and desire their concurrence.

If the House of Lords concurs in the resolution the members of the committee who are to represent the House of Commons are nominated and appointed as in the case of ordinary select committees, a quorum is fixed, and such powers as may be considered necessary are conferred.

See May, 421. In the case of a joint committee originating with the House of Lords, the converse procedure is adopted. There does not appear to be any precedent for an instruction to a joint committee, and it is difficult to see how such an instruction could be given except by the concurrence of both houses.

Procedure in joint committee.

101. The time and place of meeting of a joint committee are fixed by the House of Lords.

The procedure in a joint committee follows generally the practice of the House of Lords as to select committees.

The chairman has a single vote, and if the votes are equal the question is decided in the negative.

See May, 422-3.

Sessional Committees.

Sessional committees.

102. Select committees are nominated or appointed in the course of each session for the consideration during that session of certain matters relating to the business of the house.

These committees include—

the committee of public accounts;

the committee on standing orders;

the committee of selection;

the general committee on railway and canal bills;

the committee on public petitions,

the police and sanitary committee, and

the committee on privileges.

See May, 405. The first four of these committees are appointed in pursuance of standing orders, and their members are nominated at the commencement of each session.

Committee of public accounts.

103. The function of the committee of public accounts is to examine the accounts

showing the appropriation of the sums granted by parliament to meet the public expenditure. It consists of not less than eleven members, who are nominated at the commencement of each session, and of whom five are a quorum.

See S. O. 75; May, 597. The number is usually increased, by order of the house, to fifteen.

Committee on standing orders.

104. The function of the committee on standing orders is to determine whether, and to what extent, and under what conditions, compliance with standing or sessional orders may be dispensed with in the case of private or hybrid bills, and to perform certain other duties in relation to such bills.

The committee consists of eleven members, nominated at the commencement of each session, of whom five are a quorum.

The constitution and duties of this committee are regulated by S. O. 91-97 (relating to private business). *See* May, 716.

Committee of selection.

105. The functions of the committee of selection are—

(1) to classify certain private bills, to appoint the chairman and members

of the committees on such bills, and to make arrangements for their sittings and business; and

(2) to nominate the members of standing committees, and, in certain cases, of other committees.

The committee of selection consists of eleven members who are nominated at the commencement of every session by the house, and of whom three are a quorum.

See May, 745. The appointment of the committee of selection and their duties with respect to private bills are regulated by S. O. 98-115 as to private business As to their duty with respect to standing committees, *see* §§ 75-77. A portion of the select committee on any hybrid bill is always appointed by the committee of selection. *See* § 173.

General committee on railway and canal bills.

106. The general committee on railway and canal bills performs with respect to railway and canal bills certain functions resembling those of the committee of selection with respect to other private bills.

The chairman and the other members of

the committee are appointed by the committee of selection.

See May, 744-6; S. O. 99-106, as to private business.

The committee usually consists of about eight members, of whom three are a quorum.

Committee on public petitions.

107. The committee on public petitions examines all public petitions after they have been presented, and makes frequent reports to the house.

See May, 405, 534; S. O. 79, and the ordinary sessional order of appointment (p. 310.) The committee usually consists of 14 members.

Police and sanitary committee.

108. A committee, called the police and sanitary committee, is nominated by the committee of selection for the consideration of private bills promoted by municipal and other local authorities by which it is proposed to create powers relating to police or sanitary regulations in conflict with, deviation from, or excess of the provisions of the general law.

See May, 751-2, 805, 809, and, for the form of the sessional order, p. 311.

Committee of privileges.

109. A committee of privileges is appointed at the beginning of every session, and the members are nominated at a subsequent date.

A formal order for the appointment of a committee of privileges used always to be made at the beginning of every session, but after 1847 no members were nominated to it until 1904. On June 23, 1904, seven members were nominated to be members of the committee of privileges, and similar nominations have been made at an early date in each subsequent session. *See* pp. 306-7.

The ancient committee of privileges used to consist of certain members specially nominated, and of all knights of shires, gentlemen of the long robe and merchants in the house, and all who came were to have voices. *See* May, 88, 392. As to privilege, *see* § 46.

CHAPTER VIII.

GENERAL RULES OF PROCEDURE.

Quorum of the house.

Quorum.

110. The quorum of the house, and of a committee of the whole house, is forty members.

See May, 228. The Speaker, or the chairman, is included in the quorum.

Procedure for counting the house.

111. If, while the house, or a committee of the whole house, is sitting, notice is taken by a member that forty members are not present, the Speaker, or, in committee, the chairman, unless satisfied that forty members are present, directs strangers to withdraw, and members are summoned as for a division, the outer doors of the house being kept open. At the expiration of two minutes from the direction, the Speaker, or the chairman counts the members present.

If the chairman of a committee of the

whole house ascertains from a count, or from the report of tellers on a division, that forty members are not present, the house resumes, the chairman reports the facts to the Speaker, and the Speaker again counts the house.

These provisions are, however, subject to the exception in the next rule, as to the period between 8.15 and 9.15 p.m.

See May, 228 ; S. O. 25.

No count between 8.15 and 9.15.

112. The house may not be counted between a quarter past 8 and a quarter past 9 o'clock, but if, on a division taken on any business between a quarter past 8 and a quarter past 9 o'clock, it appears that forty members are not present, the business under consideration stands over until the next sitting of the house, and the next business is taken.

See S. O. 25. A division in which less than 40 members, including the tellers, and the Speaker, or chairman, take part, is invalid.

Adjournment of house for failure of quorum.

113. Subject to the last foregoing rule, if at or after 4 o'clock the Speaker ascertains from a count of the house, or from

a report of tellers of a division taken while he is in the chair, that forty members are not present, he adjourns the house without question put, and the house then stands adjourned until the next day appointed for the sitting of the house.

See May, 229, 230, 231. Thus, if the house is counted out on Friday it is adjourned to the following Monday. A formal adjournment of the house (as distinguished from such an informal suspension of proceedings as might occasionally take place) means an adjournment over the day. For reasons explained by May (p. 212), the house cannot be adjourned for want of a quorum until at or after 4 p.m. If it appears before that hour, from a count, or from a division, that 40 members are not present, the Speaker retires from the chair, and does not return until 4 p.m. unless previously informed that 40 members are present. If, on returning at 4, he ascertains, by counting, that 40 members are not present, he adjourns the house.

Quorum not required for proceedings on message from House of Lords.

114. The presence of forty members is not required for enabling the house to receive a message from the King or his lords commissioners for the attendance of the house in the House of Lords. On returning from the House of Lords the Speaker can report to the house, and the house can proceed with

business until notice is taken of the absence of a quorum.

See May, 232.

Motions and Questions for Decision.

Motions and questions.

115. A matter requiring the decision of the house or of a committee is decided by means of a question put from the chair on a motion proposed by a member.

See May, 277.

Motions requiring notice.

116. As a general rule every motion requires notice, unless it falls within one of the following excepted cases—

(1) A motion by way of amendment[1] to a question already proposed from the chair,[2] other than an amendment to the question of going into committee of supply or on East India accounts;[3]

(2) A motion for the adjournment of the house or of the debate, or a motion in committee to report progress or that the chairman leave the chair;

(3) A motion raising a question of privilege;[4]

(4) A motion for the appointment of a committee to prepare reasons for disagreeing with a lords' amendment ; [5]

(5) A motion for discharging a member from attendance on a select committee, when made in pursuance of a report from the committee ;

(6) Certain motions of a formal or uncontentious character ; [6]

(7) Cases where notice is dispensed with by the general concurrence of the house.[7]

[1] *See* May, 244-246. As to notices with respect to proceedings in committees of supply and resolutions moved in committee of ways and means, *see* note on § 231.

[2] Though notice of an amendment is not obligatory (*see* May, 289), it is usual and obviously convenient to give notice of important amendments.

[3] *See* §§ 63, 231.

[4] *See* § 46.

[5] *See* §§ 83 note and 209.

[6] To this class belong motions (a) for the first reading of a bill from the House of Lords, (b) for the consideration

of Lords' amendments forthwith or on a future day, (c) for the postponement, discharge, or revival of an order of the day, (d) for an appointment of a committee of the whole house on a future day, and (e) by a minister for the immediate presentation of papers. As to privilege motions, *see* § 46.

[7] *See* May, 244.

Notices to b given at tabl

117. Where notice is required of any intended motion or other future proceeding in the house, or in committee of the whole house, it must be given in writing at the table during the sitting of the house.

Every notice of motion so given is printed and circulated with the votes and proceedings and also appears on the paper on every day for which the notice is fixed.

See May, 239.

Limit on tim for which notices of motions may be given.

118. A notice of motion cannot be given for any day later than the fourth subsequent day on which notices of motion have precedence; due allowance being made for any intervening adjournment on which the house has resolved and the period being in that case so far extended as to include four notice days falling during the sitting of the house.

See S. O. 7; May, 238-9. Notices of motions now have precedence at 8.15 on Tuesdays and Wednesdays before Easter, and at 8.15 on Wednesdays between Easter and Whitsuntide. *See* § 42. Ballots for notices are, in the early part of the session, usually taken on Tuesdays and Wednesdays. *See* § 45. The result of the rule is that, at the beginning of the session, a notice given on a Tuesday must be for some Tuesday or Wednesday not later than the following Tuesday week, and a notice given on a Wednesday must be for some Tuesday or Wednesday not later than the following Wednesday week. Unless the period of the Easter recess has been previously fixed, notice can be given on the Tuesday before Easter for any of the first three Wednesdays after Easter Day, and on the Wednesday before Easter for any of the first four Wednesdays after Easter Day. When the house meets after Easter a ballot is usually taken, and notice can be given for any of the four next Wednesdays.

Oral notices of motions.

119. The proper time for giving oral notice of an intended motion is before the commencement of public business.

An oral notice may, unless it contains a personal charge, be given in general terms.

Where a ballot is taken, and a member, on being called in pursuance of the ballot, gives oral notice of a motion, he must, if he wishes to secure precedence, give at the table

subsequently on the same day a written notice describing his motion and specifying the name of the mover, and the day fixed for bringing on the motion. The motion must be within the scope of the oral notice.

See May, 242. A member may give oral notice, or the required written notice, on behalf of another member if the latter is absent. A government motion may be moved by any member of the government. An unopposed return or a motion for leave of absence may be moved by one member on behalf of another. Subject to these exceptions a motion requiring notice must be made by the member in whose name it stands. *See* May, 244.

Power to amend notice of motion.

120. If a member desires to vary the terms of a motion of which notice appears in the notice paper, he may do so by giving at the table an amended notice.

But if the amended notice materially departs from the terms of the notice originally set down, it will lose any precedence given to that notice. The amended notice must be given, at latest, during a sitting of the house preceding the day appointed for the motion.

See May, 242.

Power to postpone motion.

121. A member may postpone to a later day a motion of which he has given notice, but cannot fix it for an earlier day.

See May, 242. This power is subject to the time limit fixed by S. O. 7, *see* § 118.

Irregular or improper notices.

122. If a notice is irregular or improper, it may, by the authority of the Speaker, be corrected or withdrawn from the notice paper.

See May, 243.

Motions requiring a seconder.

123. A motion in committee or an order of the day does not require a seconder. In every other case, a motion, unless it is of a merely formal character, must be seconded by another member before it is put from the chair.

See May, 277. In case, however, of a "front bench" motion, a seconder is usually dispensed with. A motion for an unopposed return is treated as a mere formal motion for the purposes of this rule. If a motion which requires a seconder is not seconded, it is not entered on the proceedings.

Terms of motion to be handed to chair.

124. The terms of a motion, unless appearing on the notice paper, must be handed to the Speaker or the chairman.

GENERAL RULES OF PROCEDURE—CHAP VIII. *continued.*

See May, 277. The object of course is that the Speaker or chairman should put the question in the terms in which it is proposed, unless in his opinion the motion is irregular.

Motions by way of repetition.

125. A motion must not raise a question substantially identical with one on which the house has given a decision in the same session.

See May, 278, 315.

Rule against anticipation.

126. A motion must not anticipate a matter already appointed for the consideration of the house or a motion of which notice has been already given and not withdrawn.

See May, 278-9. The reference of a matter to a select committee does not preclude its consideration by the house.

On March 27, 1907, the house resolved—"That to put a motion on the order paper of the house, or to introduce a bill, so as to prevent discussion in the house of motions for which precedence has been obtained in the ballot, or of definite matters of urgent public importance, is hurtful to the usefulness of this house and is an infringement of the rights of its members."

As to the origin and abuse of blocking motions, *see* the report of the select committee of 1907 on anticipatory motions. [H. C. paper No. 264, session 1907.]

Proposal of question for decision.

127. When a motion has been made, and, if necessary, seconded, the Speaker or the

chairman proposes the question for the consideration, and puts it for the decision, of the house or the committee. If a motion embodies two or more separate propositions, the Speaker or chairman should put those propositions as separate questions.

See May, 285, 286.

Withdrawal of motion.

128. At any time after a question on a motion has been proposed from the chair and before the voices both of the ayes and of the noes have been collected, the motion may, with the leave of the house or committee, but not otherwise, be withdrawn by the member who proposed it.

But if an amendment has been proposed to a question, the original motion cannot be withdrawn until the amendment has been disposed of.

See May, 280. If a member proposes to withdraw a motion, the Speaker or chairman asks the house or committee, "Is it your pleasure that the motion [or amendment] be withdrawn?" and if there is no dissentient voice he declares it withdrawn accordingly. A motion which has been withdrawn, or which for want of a

seconder has not been put, can be moved again. For this reason leave to withdraw is frequently refused.

Modes of amending a question.

129. A question, when proposed from the chair, may be amended—

(*a*) by leaving out certain words in order to insert other words; or

(*b*) by leaving out certain words; or

(*c*) by inserting or adding other words.

See May, 290-3. An amendment proposing to omit certain words in order to insert other words is given precedence over an amendment proposing simply to omit words. When it is proposed to leave out from [*a certain word*] to [*a certain other word*] the words defining the limit should not include any word which it is proposed to leave out.

Rules as to amendments.

130.—(1) An amendment must be relevant to the question to which it is proposed.[1]

(2) An amendment must not raise any question which, by the rules of the house, can only be raised by a distinct motion after notice.[2]

(3) After a decision has been given on an amendment to any part of a question an earlier part cannot be amended.[3]

(4) In like manner, where an amendment of any part of a question has been proposed from the chair, an earlier part cannot be amended, unless the amendment so proposed is withdrawn.[3]

(5) An amendment on a question must not be inconsistent with a previous decision on the same question given at the same stage of any bill or matter.[4]

(6) To an amendment, when proposed from the chair, an amendment may be moved.[5]

[1] *See* May, 293.

[2] For instance, the conduct of the Speaker, the chairman of ways and means, or certain high officials cannot be questioned, and a charge of a personal character cannot be raised, by means of an amendment. *See* May, 278, and § 153, note 8.

[3] *See* May, 293-4.

[4] Thus words which the house or committee has decided to insert or to retain cannot be altered. But additions may be made to them. *See* May, 294.

[5] *See* May, 296.

Mode of putting amendments.

131.—(1) If the amendment is to leave out certain words in order to insert others, the Speaker or chairman, after stating the

amendment, first proposes the question, "That the words proposed to be left out stand part of the question," and if that question is put and negatived, proposes the question, "That the words proposed by the amendment be there inserted."

(2) If the amendment is to leave out certain words the Speaker or chairman, after stating the amendment, proposes the question, "That the words proposed to be left out stand part of the question."

(3) If the amendment is to insert or add other words, the Speaker or chairman, after stating the amendment, proposes the question, "That the proposed words be there inserted [*or* added]."

(4) If an amendment is moved to a proposed amendment, the last-mentioned amendment is dealt with as if it were the original question until all amendments of it have been disposed of.

See **May, 290-3.**

Putting of question on conclusion of debate.

132. On the conclusion of the debate on a question, the Speaker or chairman states the question either in its original or in its amended form, as the case requires, and puts the question by asking those who are of that opinion to say "Aye," and then those who are of the contrary opinion to say "No."

When the Speaker or chairman has thus collected the voices of the house or the committee, he declares whether in his opinion the ayes or the noes have it, and if his opinion so declared is challenged, the question is decided by a division.

See May, 286-288. The Speaker or chairman declares his opinion by saying, "I think the Ayes [*or* Noes] have it." His opinion is challenged by saying "The Noes [*or* Ayes] have it." As to the mode of taking a division, *see* § 135.

Previous question.

133. The object of moving the previous question is to provide a means by which the house can avoid a direct decision on a subject submitted to it by a preliminary decision on the question, whether the question before the house be then determined. The form of

the motion for the previous question is "that that question" (*i.e.* the question proposed from the chair) "be not now put." If the motion for the previous question is affirmed, the subject can be raised on a later day. If it is negatived, the question must be put at once.

The previous question cannot be moved—

(1) in any committee; nor

(2) on any amendment; nor

(3) on a motion relating to the transaction of public business or the meeting of the house.

See May, 282-284. Before 1888 the question used to be put in the positive form "that that question be now put." *See* May, 283.

Closure.

Demand for closure.

134.—(1) After a question has been proposed, a member rising in his place may claim to move, "That the question be now put," and unless it appears to the chair that the motion is an abuse of the rules of the

house, or an infringement of the rights of the minority, the question, "That the question be now put," must be put forthwith.

(2) When the motion, "That the question be now put," has been carried, and the question consequent thereon has been decided, any further motion may be made (the assent of the chair as aforesaid not having been withheld) which may be requisite to bring to a decision any question already proposed from the chair.

(3) When a clause is under consideration a motion may be made (the assent of the chair as aforesaid not having been withheld) that the question that certain words of the clause defined in the motion stand part of the clause, or that the clause stand part of or be added to the bill, be now put.

(4) Every motion made under this rule must be put forthwith and decided without amendment or debate.

GENERAL RULES OF PROCEDURE—CHAP. VIII. *continued.*

(5) A motion under this rule cannot be made—

(*a*) in the house, unless the Speaker or (after an announcement of unavoidable absence of the Speaker) the Deputy-Speaker is in the chair, or

(*b*) in committee of the whole house, unless the chairman of ways and means, or (after a similar announcement of unavoidable absence) the deputy-chairman, is in the chair.

(6) A motion under this rule is not carried in the house, or in a committee of the whole house, if it appears on a division that less than one hundred members voted in support of the motion.

(7) A motion under this rule may be made in a standing committee, but is not carried if it appears on a division that less than twenty members voted in support of the motion.

See S. O. 26, 27, 47; May, 217-221; and, as to the powers of the Deputy-Speaker and the deputy-chairman, S. O. 81, and S. O. 1 (9).

The question which authorises the putting of the question that certain words stand part of the clause, or that a clause stand part of or be added to the bill, may be put—

(1) to the exclusion of amendments of which notice has been given ; and

(2) although no amendments have been proposed to the clause ; and

(3) although closure has not been moved on the question last proposed from the chair ; and

(4) when a bill is under consideration on report as well as in committee of the whole house.

The S. O. as to closure does not apply to proceedings in a select committee.

As to the effect of "interruption" on closure, *see* § 35. There is no "interruption" in a standing committee.

Divisions.

Mode of taking division.

135.—(1) If the opinion of the Speaker or of the chairman of a committee of the whole house as to the decision of a question is challenged, he directs that the lobby be cleared.[1]

(2) After the lapse of two minutes from this direction he puts the question a second time and declares whether in his opinion the ayes or the noes have it.

(3) If the opinion so declared is again challenged, he directs the ayes to go into the right lobby and the noes into the left lobby, and appoints two tellers for the ayes and two tellers for the noes.[2]

(4) Thereupon the members proceed into their respective lobbies, their names are taken down by the division clerks as they pass through the lobbies, and they are counted by the tellers as they pass out of the lobby door.

(5) After the lapse of six minutes from the direction to clear the lobby, the Speaker or chairman directs that the doors giving access to the division lobbies be locked.

(6) When the members voting in the division have been counted, the tellers come to the table and report the numbers to the Speaker or chairman, who declares them to the house or committee.

See S. O. 28. As to practice before December, 1906, *see* May, 354-363; as to present practice *see* May, 953.

[1] During the two minutes interval electric bells are

sounded to warn members that a division is about to take place.

[2] If two tellers cannot be found for one side the division cannot take place, and the decision is declared to be in favour of the other side. A member must not tell on a question affecting his own conduct.

Voting of members.

136.—(1) A member may vote in a division although he did not hear the question put.

(2) A member is not obliged to vote.

See S. O. 29. This S. O., passed 12 December, 1906, altered the previous practice, as to which *see* May, 354. Members are now allowed to remain in the house whilst a division is proceeding without being required to take part in the division.

Mode of raising point of order during division.

137. Whilst a division is proceeding a member may speak on a point of order arising out of or during the division, but if he does so he must speak sitting and covered.

See May, 310.

Errors of division.

138.—(1) If a member, by mistake, goes into the wrong lobby, and passes the tellers, his vote is reckoned as given in that lobby.

(2) If the numbers on a division are incorrectly reported, the error may be corrected with the concurrence of the tellers. If the error is reported by the tellers on the same day it is corrected in the votes and proceedings by the direction of the Speaker or chairman. If it is reported on a subsequent day, it may, on motion made, be corrected in the journal.

(3) If any error or confusion concerning the numbers reported cannot be otherwise corrected, a second division must be taken.

See May, 363-4, 369.

139. If the votes on a division are equal, the Speaker or chairman gives his vote. Procedure in case of equality of votes.

If he gives the reasons for his vote, those reasons are entered in the journal.

See May, 364. When the Speaker or chairman gives his vote he usually does so, if possible, in such a manner as to leave the house another opportunity of deciding the same question.

140. The names of the members who have voted as ayes or as noes in any division are Division lists

printed in alphabetical order, and delivered to members with the votes and proceedings.

See May, 369.

Divisions frivolously claimed.

141. After the lapse of two minutes, the Speaker or chairman, if in his opinion the division is frivolously or vexatiously claimed, may take the votes of the house or committee by calling successively on the members who support and on the members who challenge his decision to rise in their places, and may thereupon, as he thinks fit, either declare the determination of the house or committee or appoint tellers for a division. If there is no division, the Speaker or chairman declares the number of the minority who challenged his decision, and their names are thereupon taken down and printed with the division lists.

See S. O. 30. This procedure has been found difficult to work except where the minority is exceedingly small.

Disqualification for voting on ground of pecuniary interest.

142. A member may not vote on any question in which he has a direct pecuniary

interest. If he votes on such a question his vote may, on motion, be disallowed.

See May, 373-379, and the report of the Select Committee of 1896 on Members of Parliament (Personal Interest). The rule was explained by Mr. Speaker Abbot in 1811 as follows: "The interest must be a direct pecuniary interest, and separately belonging to the persons whose votes were questioned, and not in common with the rest of His Majesty's subjects, or on a matter of state policy."

The objection to a vote on the ground of personal interest must be taken by a substantive motion, should be taken at once, and cannot be raised as a point of order (*see* May, 377). The member whose vote is questioned by such a motion may rise in his place to explain his position, but should then withdraw before the question is put on the motion. The disability to vote does not prevent a member from proposing a motion or moving an amendment (*see* May, 378). The standing orders on private business exclude members who are personally, or whose constituents are locally, interested from serving on committees on opposed private bills, and from voting in committees on unopposed private bills. *See* S. O. (private business) 117, 138, and § 279 (6).

Rules of Debate.

143. A member who desires to speak must rise in his place uncovered and address him- Mode of addressing the house.

self to the Speaker, or, in committee, to the chairman.

But members disabled by sickness or infirmity are by the special indulgence of the house or committee usually permitted to speak sitting.

See May, 310. There is an exception to this rule when a member speaks on a point of order during a division. *See* § 137. A member must not speak from a seat below the bar.

Members called by Speaker.

144. When a member rises to speak, his name is called by the Speaker or chairman.

If more members than one rise at the same time, the member whose name is so called is entitled to speak.

See May, 311. As a matter of courtesy, a new member who has not yet spoken in the house is usually called upon in preference to other members rising at the same time.

Relevancy of debate.

145. Debate must be relevant to the matter or question before the house or the committee and, where more than one question has been proposed from the chair, the

debate must be relevant to the last question so proposed, until it has been disposed of.

But this rule does not prevent a member from rising to speak on a point of order, or on a question of privilege suddenly arising.

See May, 277, 314, 318, 319.

Personal explanations.

146. By the indulgence of the house, a member may make a personal explanation, although there is no question before the house, but in this case no debateable matter may be brought forward, and no debate can arise.

See May, 319, 320.

Rule against speaking twice.

147.—(1) Except in committee, or in the exercise of a right of reply, a member may not speak more than once to the same question.

(2) Provided that where a bill has been committed to a standing committee, or has been so committed in respect of any provision, then, at the report stage of the bill or provision, the rule against speaking more

than once does not apply to the member in charge of the bill, or to the mover of any amendment or new clause in respect of that amendment or clause.

(3) The right of reply is only allowed to a member who has moved a substantive motion. For instance, it is not allowed to a member who has moved an order of the day, an amendment, the previous question, an adjournment during a debate, a motion on the consideration of lords' amendments, or an instruction to a committee.

See May, 321. The relaxation of the rule against speaking twice at the report stage of a bill reported from a standing committee is made by S. O. 46 (3) (as to standing committees).

ight of
eech after
rmal motion.

148. If a member, when an order of the day is read, moves the order by raising his hat, without rising to address the chair, or if a member seconds a substantive motion by merely raising his hat, he may speak on the main question during a subsequent period of the debate.

See May, 321-2. By a substantive motion is meant a

motion not incidental to a proceeding before the house. This privilege does not apply to a member who moves an amendment or an adjournment, because in that case he must rise in his place, nor does it apply to the seconder of such a motion.

Rule as to motions for adjournment, &c.

149. Where a motion is made during a debate for the adjournment of the debate or of the house, and where a motion is made in committee that the chairman do report progress or do leave the chair, the debate thereon must be confined to the matter of the motion.

A member who has moved or seconded any such motion may not move or second a similar motion during the same debate.

See S. O. 22; May, 316. The seconder forfeits his right of speaking subsequently even if he seconds by merely raising his hat. As to the power of the Speaker or chairman to declare a dilatory motion an abuse of the rules of the house, *see* § 159; S. O. 23, and May, 316.

Rights of mover of adjournment.

150. Where a motion for the adjournment of a debate is agreed to, the mover of the adjournment is, if he claims the privilege, allowed precedence in addressing the house

when the debate is resumed, or may, if he prefers it, take part in the debate at a later period.

See May, 313.

Rules against reading.

151.—(1) A member may not read his speech, but may refresh his memory by reference to notes.

(2) A member may not read from a book, newspaper, or other printed document, the report of, or an extract referring to, any debate in parliament during the same session.

See May, 310, 325.

Rules to be observed by members speaking.

152. A member while speaking on a question must not—

(i) refer to any debate of the same session on any question not then under discussion;[1] nor

(ii) speak against or reflect on any determination of the house except on a motion for rescinding it;[2] nor

(iii) refer to any debate in the House of Lords ;[3] nor

(iv) refer to any matter on which a judicial decision is pending ;[4] nor

(v) refer to any other member by his name ;[5] nor

(vi) make a personal charge against any member ;[6] nor

(vii) use offensive expressions about the conduct or proceedings of either house of parliament ;[7] nor

(viii) reflect upon the conduct of the King or of certain persons in high authority ;[8] nor

(ix) use the King's name for the purpose of influencing the debate ;[9] nor

(x) utter treasonable or seditious words[10] or use the King's name irreverently ; nor

(xi) use his right of speech for the

purpose of obstructing the business of the house.[11]

See May, 324. Considerable latitude and discretion are necessarily allowed to the Speaker and chairman in interpreting or applying these rules.

[1] This rule is not always strictly enforced. *See* May, 324. As to reading reports of debates, *see* § 151.

[2] *See* May, 326.

[3] It is not always easy to enforce this rule. *See* May, 326-7. Speaker's ruling, Aug. 16, 1907.

[4] *See* May, 332.

[5] *See* May, 333 It is usual to describe a member by reference to the constituency which he represents, or in some other indirect fashion.

[6] *See* May, 334-5, where a list of unparliamentary expressions is given.

[7] *See* May, 331.

[8] Unless the discussion is based on a substantive motion drawn in proper terms. *See* May, 332, where the authorities mentioned include the heir to the throne, the viceroy of India, the lord lieutenant of Ireland, the Speaker, the chairman of ways and means, members of either house of parliament, and judges of the superior courts of the United Kingdom, including persons holding the position of a judge, such as a judge in a court of bankruptcy or a county court judge. The rule also applies to sovereigns of friendly foreign states. As to judges, *see* also Walpole's Todd, i., 195.

[9] *See* May, 328.

[10] *See* May, 328.

[11] *See* May, 339-340.

No speech after question fully put.

153. A member may not speak on a question after the Speaker or chairman has collected the voices both of the ayes and of the noes on that question.

See May, 311. A question is said to be "fully put" when the voices have been so collected.

Rules to be observed by members whilst present at a debate.

154. A member whilst present in the house during a debate—

(i) must keep his place ;[1]

(ii) must enter and leave the house with decorum ;[2]

(iii) must not cross the house irregularly ;[3]

(iv) must not read any book, newspaper, or letter except in connection with the business of the debate ;[4]

(v) must maintain silence ;[5]

(vi) must not interrupt any member while speaking by disorderly expres-

sion or noises or in any other disorderly manner.[6]

See May, 343. Some of these rules are rules of etiquette. All of them admit of considerable latitude and require much discretion in their application.

[1] This rule is of course not strictly enforced. Its object is to prevent sauntering or standing within the bar. *See* May, 343.

[2] Under this rule a member must be uncovered whilst entering or leaving the house, and should make an obeisance to the chair when passing to or from his place. *See* May, 343.

[3] A member must not cross between the chair and a member who is speaking from either of the two benches nearest to the floor, nor between the chair and the table, nor between the chair and the mace when the mace is taken off the table by the serjeant-at-arms. *See* May, 344.

[4] *See* May, 344.

[5] This means that members must not talk loud. *See* May, 344.

[6] It is of course for the Speaker or chairman to interpret and apply this rule. Much will depend on the character, object, degree, and duration of the interruption. *See* May, 344.

Procedure when Speaker or chairman rises.

155. Whenever the Speaker or the chairman rises during a debate, any member who is then speaking, or offering to speak, must

sit down, and the house must be silent, so that the Speaker or chairman may be heard without interruption.

See May, 350.

156. A member may retain a seat during a sitting of the house by attending prayers and then affixing to the seat the proper card with his name. Right to seat.

A member may, by placing on a seat his hat, or a card in a form provided for that purpose, and subsequently remaining within the precincts of the house, acquire a right to occupy that seat at prayers.

A member serving on a select committee, whilst in attendance on the committee, may, without being present at prayers, retain a seat in the house by affixing thereto the proper card with his name.

See S. O. 82, 83; May, 177-8. Cards for securing seats are placed on the table. A member cannot secure a seat for another member.

As to the seats which are reserved by usage or courtesy, *see* May, 177.

(3) A member ordered to withdraw under this rule must do so forthwith, and must, during the remainder of the day's sitting, absent himself from the precincts of the house, except for the purpose of serving on any committee on a private bill.

(4) If the Speaker or chairman deems that his powers under this rule are inadequate he may either name the member in pursuance of the standing order as to order in debate,[1] or call upon the house to adjudge on the member's conduct.

See S. O. 20; May, 350.

[1] This is the order embodied in the next paragraph.

Suspension of member for disorderly conduct.

161.—(1) If a member is named by the Speaker, or by a chairman of the committee of the whole house, immediately after the commission of the offence of disregarding the authority of the chair, or of abusing the rules of the house by persistently and wilfully obstructing the business of the house, then—

(i) If the offence has been com-

mitted by a member in the house, the Speaker forthwith puts the question, on a motion being made, no amendment, adjournment, or debate being allowed, that the member (naming him) be suspended from the service of the house; and

(ii) If the offence has been committed in a committee of the whole house, the chairman forthwith suspends the proceedings of the committee and reports the circumstances to the house, and the Speaker, on a motion being made thereupon, puts the same question, without amendment, adjournment, or debate, as if the offence had been committed in the house itself.

(2) A member suspended under this rule must forthwith quit the precincts of the house.

(3) Suspension of a member under this rule does not exempt him from serving on

any committee for the consideration of a private bill to which he has been appointed, but, except for the purpose of so serving, he must absent himself from the precincts of the house during the period of his suspension.

(4) Not more than one member may be named at the same time under this rule, unless several members, present together, have jointly disregarded the authority of the chair.

(5) If a member, who has been suspended, refuses to obey the direction of the Speaker when summoned under the Speaker's orders by the serjeant-at-arms to obey the direction, the Speaker calls the attention of the house to the fact that recourse to force is necessary to compel obedience to his direction, and the member named by him as having so refused is thereupon, without further question put, suspended from the service of the house during the remainder of the session.

(6) Nothing in this rule deprives the house of the power of proceeding against any member according to ancient usages.

See S. O. 18; May, 56, 340, 350. The order of

suspension is signed by the clerk of the house and given to the serjeant-at-arms. The words defining the period of suspension were struck out of S.O. 18 on 13 February, 1902, but no words were substituted. The result is that the order of suspension continues in force until the end of the session unless previously rescinded.

Power of Speaker to adjourn house or suspend sitting.

162. In the case of grave disorder arising in the house the Speaker may, if he thinks it necessary to do so, adjourn the house without question put, or suspend any sitting for a time to be named by him.

S. O. 21.

CHAPTER IX.

PUBLIC BILLS.

Distinction between Public and Private Bills.

Public and private bills.

163. The object of a public bill is to alter the general law.

The object of a private bill is to alter the law relating to some particular locality, or to confer rights on or relieve from liability some particular person or body of persons.

The boundary line between public and private bills is narrow, and has varied at different times. Where it is clear that a private bill should have been introduced as a public bill, the Speaker has advised the house to that effect, and the bill has been withdrawn. The house has also refused to give a private bill a second reading on the ground that it should have been introduced as a public bill. *See* May, 672-682.

The subjects ordinarily dealt with by private bills appear from the headings given in the first of the standing orders relative to private business.

The procedure on public and on private bills differs in many respects. The procedure on private bills is mainly regulated by the standing orders relating to private business, and is briefly described in chapter xvii.

Hybrid bills.

164. If a public bill affects private interests in such a way that, if it were a private

bill, it would, under the standing orders, require preliminary notices before its introduction, it is subject partially to the rules of procedure which govern private bills, and is usually called a hybrid bill.

As to the procedure on hybrid bills, *see* §§ 170 and 173, and May, 468-470, 673, 708*n*, 721, 824*n*, 913.

Introduction and First Reading.

Introduction of bills.

165. A bill may be introduced by a member either

(*a*) in pursuance of an order of the house made on a motion for leave to bring in the bill, or

(*b*) by being presented at the table without an order of the house.

Notice is required either of a motion for leave to bring in a bill, or of the intention to present a bill.

See S. O. 31. The mode of presenting a bill without a previous order follows the practice of the House of Lords, and was introduced by the amendment made in S. O. 31 on 17 February, 1902. It has not been applied to bills which must originate in committee of the whole house. As to those bills, *see* § 167.

PUBLIC BILLS—CHAP. IX. *continued.*

If a member wishes to introduce a bill, whether under or without a previous order of the house, he obtains from the public bill office what is called a "dummy bill," inscribed with the title of the bill, and with the name or names of the member or members by whom it is to be prepared and brought in or presented and supported. This is the document which he hands to the clerk at the table. The bill itself is handed in afterwards at the public bill office, in order that it may be printed and circulated for the house. The short title inscribed on the dummy may be, but is not necessarily, identical with the "short title" of the bill.

If, under the old practice, par. (*a*), a member obtains leave to introduce a bill, the Speaker asks who will prepare and bring in the bill. The member who has obtained leave answers this question by stating the names of the members, then goes from his place to the bar of the house and, being called upon by the Speaker, brings the bill up from thence to the table, and names a day for the second reading. *See* May, 465-6. The motion must, unless made at the commencement of public business under the next following rule, be made at the time available for other motions on notice.

If a bill is presented by a member without an order of leave, it is described on the "dummy" as "presented" by that member, and "supported" by any other members who wish their names to appear on the back of the bill. The member who presents the bill brings it up to the table when called. The title is read by the clerk, and the bill is then deemed to have been read the first time, and a day is named for the second reading. The usual time for presenting a bill is at the commencement of public business. *See* § 61.

The names on the back of a bill must not exceed twelve.

PUBLIC BILLS—CHAP. IX. *continued.*

166. A motion for leave to bring in a bill may be made at the commencement of public business on Tuesdays and Wednesdays, and, if set down by the government, on Mondays and Thursdays also. Motions at commencemen of public business for leave to introduce bills.

If the motion is opposed, the Speaker, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from a member who opposes the motion, may, without further debate, put the question thereon, or the question that the debate be now adjourned.

See S. O. 11; May, 257.

167. If the main object of a bill is to impose a charge upon the public revenues of the United Kingdom or of India, or upon the people, or to appropriate any money so charged, or to release or compound a sum of money due to the Crown, its introduction must be preceded and authorised by a resolution of a committee of the whole house. This resolution must be recommended by the Bills which must originate in committee.

Crown, and must be agreed to by the house before the bill is introduced.

See S. O. 66-71 ; §§ 218, 219 ; May, 464, 559, and foll.

If the creation of the charge or the release of the debt is merely a subsidiary feature of the bill, it may be introduced like other bills, and it is sufficient if the requisite resolution is passed, reported, and agreed to, before the clause to which it relates is reached by the committee on the bill. Clauses requiring such resolutions are printed in italics, and are not supposed to form part of the bill as introduced.

First reading and printing of bill..

168. When a bill has been read the first time it is printed.

See May, 466 ; S. O. 31. First reading and the order for printing are now formal stages, though the first reading was once a reality.

A bill need not be printed immediately after its introduction, and a considerable interval sometimes elapses between the introduction and the printing of a bill. But the second reading of a bill is liable to be opposed on the ground that the bill has not been in the hands of members a reasonable time before that stage.

When a bill has once been printed by order of the house, it cannot be altered without the consent of the house.

If the bill as printed contains an error or inaccuracy, an order for substituting a corrected print may be made on the application of the member who introduced it.

But if it is desired to make any alteration in substance before the second reading or committee stage, the bill must be withdrawn and a fresh bill must be introduced. In that case the new bill must not be set down

for a date earlier than that fixed for the withdrawn bill. The contents of a bill must not go beyond the description given of the bill in its title at the time of its introduction, but any objection on this ground should be taken before the bill is read a second time. *See* May, 465.

As to bills brought down from the House of Lords, *see* § 211.

Explanatory memorandum.

169. A short explanatory memorandum may, if the member in charge of a bill so desires, be prefixed to the bill as printed for the house, but this memorandum must not be argumentative.

See May, 467.

Reference to examiners of bill appearing to be hybrid.

170. A public bill appearing to affect private interests must, after first reading, be referred to the examiners of petitions for private bills for the purpose of ascertaining whether the standing orders relative to private bills apply and have been complied with in the case of the bill. This reference does not prevent the order for the second reading from appearing on the notice paper or on the orders of the day, but the bill cannot be read a second time until the report of the examiners has been received.

If the examiners report that the standing

orders do not apply, or that they apply and have been complied with, or the select committee on standing orders report that the bill may be proceeded with notwithstanding non-compliance, the bill may be read a second time, but otherwise the order for second reading must be discharged.

See May, 468-470, 673. As to what are hybrid bills, *see* § 164. It is the duty of the public bill office to see whether a public bill affects private rights, and, if it does, to communicate with the member in charge of the bill. If the examiners report that the standing orders do not apply, *i.e.* that the bill is not hybrid, it proceeds like an ordinary public bill. A hybrid bill is referred, after second reading, to a special committee. *See* below, § 173. As to the committee on standing orders, *see* § 104.

Second Reading.

Second reading.

171. When the order of the day for the second reading of a bill is read, the member in charge moves "that this bill be now read a second time," and that question is proposed accordingly from the chair.

Motions may be made to amend the question either

(i) by leaving out the word "now" and adding at the end of the question "this day three months," or "this

day six months" or some other date, or

"(ii) by leaving out all or some of the words after "that," and substituting words which state some special reason against the second reading of the bill.

The second reading of the bill appears as an order of the day on the day fixed for that purpose by the member in charge of the bill and on any subsequent day to which the second reading is postponed.

The second reading stage of a bill is the proper stage for discussing the principle of the bill, as distinguished from its details, and an argument which at this stage enters into the details of a bill further than is necessary to explain its principle will be stopped as irregular. *See* May, 470.

An amendment merely negativing a motion for second reading would be out of order. There are said to be two reasons for preferring an amendment which substitutes a later date for the second reading: one, that the house has already ordered the second reading, and this form of amendment is a more conclusive mode of dismissal; and the other that a mere negative does not preclude the motion for second reading from being repeated on any subseqnent day. The date mentioned in a time amendment is one later than the time for which the session is expected to last. *See* May, 471-2.

As to the kind of resolution which may be substituted for a motion to read a bill a second time, *see* May, 472.

The carrying of such a resolution does not necessarily

prevent a motion for second reading from being made at a subsequent date.

Notices of amendments.

172. Notices of amendments to a bill are not received until after the second reading of the bill.

Notices of amendments are usually handed in at the table during the sitting of the house.

Committal of Bill and Procedure in Committee.

Committal of bill.

173. When a bill has been read a second time it stands committed to one of the standing committees, unless the house, on motion decided without amendment or debate, otherwise orders, or the bill belongs to one of the classes of bills excepted from the operation of S. O. 46.

See S. O. 46, § 75. A bill may be committed either to a standing committee, a committee of the whole house, a select committee, or a joint committee. Bills for imposing taxes, consolidated fund bills, appropriation bills, and bills for confirming provisional orders, are expressly excepted from the operation of S. O. 46. As to hybrid bills *see* below. In other cases a motion for committing a bill to any committee other than a standing committee must be made immediately after the second reading of the bill, may be made by any

member, and may, though opposed, be decided after the expiration of the time for opposed business.

If a bill is committed to a committee of the whole house the member in charge of the bill names the day for the committee.

The object of sending a bill to a select committee is usually to provide for the taking of evidence.

The practice is to send a hybrid bill (*see* §§ 164, 170) to a select committee nominated partly by the house and partly by the committee of selection. *See* May, 468-9, 673. It may be sent to a joint committee of the two houses, as in the case of the Metropolis Water Bill of 1902, and the Port of London Bill of 1903. In these cases the portion of the committee representing the House of Commons was nominated wholly by the committee of selection.

As to the different kinds of committees, *see* chapter vii.

Resolution of house into committee on bill.

174. On the order of the day being read for the committee on a bill the Speaker leaves the chair without putting any question, and the house thereupon resolves itself into the committee, unless, before the house first goes into committee on the bill, an instruction to the committee is moved and is proposed from the chair.

See S. O. 51 and 52, and § 63. This rule applies only to bills committed to a committee of the whole house.

General powers of committee on bill.

175. It is a general instruction to all committees of the whole house to which a bill is referred that they have power to make such amendments therein as they think fit, provided that they are relevant to the subject matter of the bill, but that if any such amendments are not within the title of the bill they amend the title accordingly and report the matter specially to the house.

This general instruction is given by S. O. 34. *See* May, 479.

Special instructions to committee on bill.

176. The object of an instruction to a committee on a bill is to enable the committee to do what they cannot do under their general powers.

An instruction either to a committee of the whole house or to a standing committee on a public bill must not be mandatory, and must not be such as to alter the character of the bill.

See May, 478, 935. "The principles which guide and limit the system of instructions on going into committee may be thus stated: First, an instruction must empower the committee to do something which the committee is not otherwise empowered to do. Secondly, the purpose of the instruction must be supplementary *and* ancillary to the purpose of the bill, and must fall

within the general scope and framework of the bill. Thirdly, it is irregular to introduce into a bill, by an instruction to the committee, a subject which should properly form the substance of a distinct measure, having regard to usage and the general practice of enacting distinct statutes for distinct branches of law." *See* 434 Hansard, 4th Series, vol. 12, p. 205 (5th May, 1893); and illustrations, May, 935 *sqq*. Instructions to a select committee of the house may be mandatory. *See* § 85.

Notice must be given of any instruction, and also of any amendment to the instruction which either extends its scope or materially alters its character. Restrictive amendments have been allowed without notice. *See* May, 482.

Consideration of clauses.

177. When a bill is under consideration in committee, the chairman calls the several clauses in order, by reading the number of each clause.

If it is proposed to move any amendments on a clause when called, he puts them in their proper order.

If the clause is not amended, he puts the question, "That this clause stand part of the bill."

If the clause is amended, he puts the question, "That this clause as amended stand part of the bill."

In the case of uncontested clauses, the question is

sometimes put, not on each clause separately, but on a group of clauses.

Until an amendment is moved on a clause, or the question is put "that this clause" (*or* "this clause as amended") "stand part of the bill," there is no question before the committee.

As to postponement of a clause, *see* § 183.

Mode of proposing amendments.

178. The chairman proposes an amendment to a clause by calling on the member who has given notice of or expressed his desire to move the amendment, and then stating the line in which the amendment is to be made, and the words which it is proposed to leave out or insert.

Notice of an amendment to a clause is not obligatory. But, as a rule, notice should be given of every important amendment, as the moving of such amendments without notice causes obvious difficulties and inconveniences. A member is not bound to move an amendment standing in his name, but, if he does not move it, it can, unless out of order, be moved by another member.

Arrangement of amendments on notice paper.

179. Amendments of which notice has been given are, as soon as practicable, arranged on the notice paper in the order in which they ought to be called. In arranging amendments raising the same question at the same point of a clause, precedence is given to an amendment moved by the

member in charge of the bill. Subject as aforesaid amendments are arranged in the order in which notice of them is received.

If an amendment appears by accident out of its proper place on the notice paper, the chairman disregards the notice paper and calls the amendment in its proper place.

Order of amendments.

180. When the committee has given a decision on any amendment, no amendment which arises at an earlier point of the clause can be moved.

Rules as to amendments.

181.—(1) An amendment must be relevant to the subject matter of the bill, and to the subject matter of the clause to which it relates.

(2) An amendment must not be inconsistent with any previous decision of the committee.

(3) An amendment must not be such as to make the clause which it proposes to amend unintelligible or ungrammatical.[1]

(4) If an amendment refers to, or is not intelligible without, a subsequent amendment or schedule, notice of the subsequent amendment or schedule ought to be given before or when the first amendment is moved, so

as to make the series of amendments intelligible as a whole.

(5) An amendment which proposes to omit the whole substance of a clause for the purpose of inserting different provisions is, as a general rule, irregular. The proper course is to negative the clause and propose a new clause in its place.[2]

(6) The chairman has, with a view to facilitating the transaction of business, power to select from concurrent amendments, and to determine the place in which an amendment ought to be moved.

(7) The chairman may refuse to propose an amendment which is, in his opinion, frivolous.

[1] Permission has, however, been given to move the omission of the opening or ruling words of a clause for the purpose of negativing the clause, and thus anticipating the question "That this clause stand part of the bill."

[2] A departure from this rule has been occasionally allowed. It may be more convenient to recast a clause than to negative it and bring up a new clause at a later stage.

Withdrawal of amendments.

182. An amendment moved may, by leave of the committee, but not otherwise, be

withdrawn before the chairman has collected the voices.

183. The consideration of a clause may, on motion made, be postponed, but the motion may not be made if the clause has been amended.[1] Postponement of clauses.

A postponed clause is, in the absence of an order to the contrary, considered after the other clauses of the bill have been disposed of and before new clauses, if any, are brought up.[2]

[1] *See* May, 488.

[2] *See* May, 489-490.

184. New clauses are considered after the clauses in the bill as printed have been disposed of and before the consideration of the schedules, if any. The chairman calls on the member in whose name a new clause stands, and, if that member moves, the clerk at the table reads the marginal note of the clause, and it is then taken to have been read a first time.[1] New clauses.

The question is then put, "That this clause be read a second time." If this is agreed

to, amendments may be moved, and after these (if any) have been disposed of, the question is put, "That this clause, [*or*, "that this clause as amended"] be added to the bill."

[1] *See* S. O. 38. A new clause should always have a marginal note in order to enable the chairman to propose the clause.

Schedules.

185. The consideration of the schedule or schedules, if any, follows the consideration of clauses. Schedules are put from the chair, and may be amended, in the same manner as clauses, and the consideration of new schedules follows the consideration of the original schedules.

See May, 490.

Preamble.

186. If there is a preamble to the bill, it stands postponed until the clauses and schedules have been disposed of. The question then put is "That this be the preamble of the bill."

See S. O. 35. Preambles are now unusual, and, as a rule, unnecessary in the case of public bills.

Conclusion of proceedings in committee.

187. When the consideration of a bill in committee of the whole house is completed the chairman puts the question that he

report the bill to the house and reports it accordingly.

See S. O. 39, which does not apply to standing committees or select committees, and S. O. 52.

Report of progress.

188. If the consideration of a bill in committee of the whole house is not completed at the conclusion of the time allotted for that purpose, the chairman reports progress and asks leave to sit again.

The chairman may also, on motion made, be ordered to report progress at any previous time.

"Progress" is the term technically applied to the stage occupied by the consideration of a bill in committee.

At the time for the interruption of business the chairman leaves the chair without question put. A motion to report progress is the ordinary mode of stopping or discontinuing proceedings on a bill in committee. But other modes are occasionally adopted. *See* § 69, and May, 492.

The chairman reports progress by addressing the Speaker and informing him that the committee on the bill have made progress, and ask leave to sit again. In reply to a question from the Speaker, the member in charge of the bill then names the day on which the proceedings in committee are to be resumed.

Resumption of progress.

189. On the order of the day being read for committee on a bill on which progress

has been reported, the Speaker forthwith leaves the chair without question put.

See S. O. 32, 51, and § 63.

Reference of bills together to committee.

190. Bills fixed for consideration on the same day may be referred together to a committee of the whole house, which may consider on the same day all the bills so referred without the chairman leaving the chair on each separate bill.

See S. O. 33. This S. O. was passed in 1854, but does not appear to have been acted upon.

Reprinting of bill whilst in committee.

191. Whilst a bill is under consideration in committee, the clauses considered, or partially considered, may, by direction of the Speaker, be reprinted from time to time, so as to show the amendments made.

The adoption of this course is often convenient when the discussion of a bill is protracted. A similar course is adopted in the case of bills before a standing committee.

Proceedings consequent on Report.

Proceedings when bill is not amended by committee of whole house.

192. Where a bill is reported from a committee of the whole house without amendment, it may, on motion made, be read the

third time either forthwith or at some subsequent sitting for which the third reading is appointed.

See S. O. 39; May, 494, 501. If a bill has not been amended in committee it is customary to take the third reading stage immediately after the report of the committee, unless the bill is a money bill originating in committee (*see* § 167).

Proceedings when bill is amended by committee of whole house

193. Where a bill is reported from a committee of the whole house with amendments, the bill is set down for consideration as amended for a subsequent day named by the member in charge of the bill, and the house, if necessary, orders that the bill be reprinted.

See S. O. 39. The effect is that the amendment of a bill in committee of the whole house involves an additional stage, the report stage.

Consideration of bill as amended by committee of whole house.

194. On the order of the day being read for the consideration of a bill as amended by a committee of the whole house, the house proceeds to that consideration without question put, unless the member in charge of the bill desires to postpone its consideration, or a motion is made to recommit the bill.

PUBLIC BILLS—CHAP. IX. *continued.*

See S. O. 40. As to recommittal, see § 200.

Procedure on bill reported from standing committee.

195. Where a bill is reported from one of the standing committees, whether with or without amendments, it is set down for the report stage, and at that stage amendments may be moved. But the question that the bill be considered on report is no longer put, and the proceedings are the same as on the consideration of a bill reported with amendments from a committee of the whole house.

See S. O. 50; May, 398.

Procedure on bill reported from select committee or joint committee.

196. A bill reported from a select committee, or from a joint committee of both houses, is recommitted to a committee of the whole house before being read the third time.

See May, 500.

Order of proceedings at report stage.

197. On the consideration of a bill as amended new clauses are taken before amendments.

See May, 495.

Restrictions on clauses and amendments.

198. On the consideration of a bill as amended

(*a*) a new clause may not be moved without notice; [1]

(*b*) an amendment may not be moved if it could not have been moved in committee without an instruction from the house ;[2]

(*c*) a clause or amendment creating a charge on the public revenue, or inposing any tax, rate, or other burden on the people, may not be moved.[3]

[1] *See* S. O. 38. The clause must be moved by the member in whose name the notice stands.

[2] *See* S. O. 41.

[3] See May, 497, 559. A clause or amendment varying the incidence of any charge or burden falls within this principle. If it is desired to move any such clause or amendment, the proper course is to move the recommittal of the bill. But it is competent to move the omission or reduction of any such charge or burden.

Procedure on amendments.

199. On the consideration of a bill as amended the clauses are not severally put, but the bill is dealt with as a whole, and amendments are moved by reference to the page and line to which they relate. If it is desired to leave out a clause, the question put is that the clause stand part of the bill. This question cannot be put after the house has given any decision on that or on any part of that or any subsequent clause. A clause cannot be postponed.

See May, 495-497. Subject to the differences noted above, the procedure with respect to amendments is the same as in committee, except that there are restrictions on the right to speak more than once. *See* § 147.

Recommittal of bill.

200. When a bill stands for consideration as amended it may, on motion made, be recommitted to a committee of the whole house, or to a select committee, either

(*a*) generally, or

(*b*) with respect to any particular clause, amendment, or schedule, or proposed clause, amendment, or schedule.

If a bill is so recommitted for a limited purpose, the proceedings in committee must be limited to that purpose.

Subject to any such limitation, the proceedings consequent on any such recommittal are the same as those consequent on the original committal.

A bill may also be similarly recommitted at a subsequent stage.

See May, 497. Recommittal may be necessary for the purpose of creating a charge or imposing a burden. *See* §§ 198, 218-220.

Third Reading.

Appointment of third reading after consideration of amendments.

201. When a bill has been considered as amended it may, on motion made, be read the third time, either forthwith or at some subsequent sitting then appointed.

As to a bill reported without amendments, *see* § 192.

The third reading of a money bill originating in committee (*see* § 167) cannot be taken forthwith. *See* § 212.

Third reading

202. On the order of the day being read and motion made for the third reading of a bill, the question proposed is "that this bill be now read the third time," and to this question the like amendments may be moved as on the question for second reading.[1]

To this question an amendment may also be moved that the bill be recommitted, either generally or for a limited purpose.[2]

[1] *See* § 171.

[2] *See* § 200.

Amendments on third reading.

203. On the third reading ot a bill only verbal amendments may be made.

See S. O. 42.

Amendment of title after third reading.

204. After the third reading of a bill the title of the bill may, if necessary, be amended for the purpose of making it conform to the contents of the bill.

See S. O. 34.

Motion that bill do pass not made.

205. After the third reading of a bill no question is put to the house that the bill do pass.

This question is still put in the House of Lords.

Sending of bill to House of Lords.

Sending of Bill to House of Lords, and consideration of Lords' Amendments.

206. When a bill originating in the House of Commons has been passed by the house an order is made that the clerk of the house do carry the bill to the Lords and desire their concurrence.

This order is entered, as of course, in the journal. The words *Soit baillé aux seigneurs* are written on the bill as passed, and the clerk of the house then signs the bill, and takes it, with the appropriate message, to the House of Lords. *See* May, 503, 509.

Messages from House of Lords to House of Commons as

207. When a bill originating in the House of Commons is agreed to by the House of Lords without amendment, the Lords send a

message to the House of Commons accordingly. to bills brought from Commons.

If such a bill is agreed to by the House of Lords with amendments, the Lords return the bill to the House of Commons with a message that the Lords have agreed to the bill with some amendments to which they desire the concurrence of the House of Commons.

As to the nature of the amendments which may be made by the Lords, *see* §§ 248-250.

208. Amendments made by the House of Lords in a bill sent from the House of Commons are, on the application of the member in charge, set down for consideration on some future day, unless the house orders them to be considered forthwith. Appointment of time for consideration of Lords' amendments.

See S. O. 43. If the Speaker is satisfied that the amendments are not substantial and not contentious, a motion for their immediate consideration may, with his consent, be made without notice before the commencement or at the close of public business. Otherwise the consideration of the amendments is set down for a time fixed by the member in charge of the bill.

209. On the order being read for the con- Procedure on

Consideration of Lords' amendments.

sideration of Lords' amendments, a motion may be made that the consideration of them be put off for three or six months, or that the bill be laid aside.

Unless an order is made that the consideration of the amendments be put off, or that the bill be laid aside, the clerk at the table reads the amendments, and the Speaker puts the question "That the house do agree (*or* disagree) with the Lords in the said amendment" (*or* "amendments").

An amendment made by the Lords in a bill may be agreed to with amendments or disagreed to, but an amendment cannot be moved to the bill unless it is consequential upon a Lords' amendment.

When the house disagrees to a Lords' amendment, a committee is at once appointed to draw up reasons to be assigned to the Lords for the disagreement, and a message communicating the reasons is sent accordingly.

See May, 506. If the Lords' amendments are substantial they are printed for the convenience of the house. The position of a Lords' amendment is always

described with reference to the bill as first printed by order of the House of Lords.

Procedure consequential on disagreement to Lord amendments.

210. If the house disagrees to any Lords' amendment, the Lords may return the bill with further amendments consequential on the rejection of their first amendments, or with amendments proposed as alternative to the amendments disagreed to.

If the Lords return the bill with a message that they insist on an amendment to which the house has disagreed, the house may either

(*a*) agree with or without amendment to the amendment to which it had previously disagreed, or

(*b*) make, if necessary, a consequential amendment to the bill, or

(*c*) postpone the consideration of the Lords' amendments for three or six months, or

(*d*) discharge the order for the consideration of the Lords' amendments, and withdraw the bill, or

(*e*) order that the Lords' amendments be laid aside.

See May, 508. As to messages and conferences, *see* § 251.

Bills originating in the House of Lords.

'rocedure on ills origi- ating in louse of ords.

211. When a bill originating in the House of Lords is sent down to the House of Commons, it is on the application of the member who proposes to take charge of it in the House of Commons, read the first time and printed in pursuance of a formal order for that purpose, and is set down for second reading at a time fixed by him.

The subsequent proceedings on the bill correspond to those on a bill originating in the House of Commons.

A Lords' bill, when brought down, appears at once in the weekly list of public bills, but is not set down for second reading until an application for that purpose is made at the table.

If the Lords disagree with an amendment made by the Commons in a Lords' bill, a message is sent accordingly, and the question then proposed to the Commons is that the house do, or do not, insist on that amendment.

Bills of an urgent nature.

Procedure in cases of speci urgency.

212. In cases of special urgency, bills have been passed through several or all of their stages on the same day.

But, by usage, the several stages of a money bill originating in committee must be taken on different days.

See May, 516-7. As to money bills originating in committee, *see* § 167. As a general rule the successive stages of a bill are set down for different days, but, as has been observed above, §§ 192, 201, it is not unusual to take the third reading of a bill immediately after the report stage.

Provisions requiring Royal Consent.

Provisions requiring roy consent.

213. Where any provisions of a bill affect the prerogative of the Crown, or the hereditary revenues of the Crown, or any personal property or interests of the Crown or of the duchy of Cornwall, the consent of the Crown, or, if the case so requires, of the duke of Cornwall, must be signified by a privy councillor before the bill is read the

third time, or a minister of the Crown must signify before that stage that the Crown places its interests at the disposal of parliament.

See May, 448-450.

Royal Assent to Bill.

Procedure for giving royal assent to a bill.

214. The royal assent to a bill may be given by the King in person, but is usually given by commission. In either case the House of Commons is summoned to attend in the House of Lords for the purpose of hearing the royal assent there signified.

See May, 510-515.

Withdrawal of Bill.

Withdrawal of bill.

215. On the order of the day being read for any stage of a bill, an order may, on the motion of the member in charge of the bill, be made that the order be discharged and the bill be withdrawn.

A bill may also be withdrawn by notice given at the

table before the day on which the bill stands as an order of the day.

If a bill is not either passed or withdrawn in the course of a session, it lapses at the end of the session, unless proceedings on it are continued by a special order of the house. As to such continuance orders, *see* May, pp. 308-9, 637.

Temporary Laws.

Temporary laws.

216. The precise duration of every temporary law must be expressed in a distinct clause at the end of the bill.

S. O. 45.

CHAPTER X.

FINANCIAL BUSINESS.

General Rules.

Exclusive right of House of Commons to grant money.

217. The right of granting money in parliament belongs exclusively to the House of Commons.

See resolutions of 3 July, 1678, and 6 July, 1860, below § 248, and May, 545.

The House of Lords assents to, and may reject, a grant of money, but cannot initiate or alter a grant.

"The Crown demands money, the Commons grant it, and the Lords assent to the grant; but the Commons do not vote money unless it be required by the Crown; nor do they impose or augment taxes unless such taxation be necessary for the public service as declared by the Crown through its constitutional advisers." *See* May, 545.

Money not granted except on recommendation of Crown.

218. The house does not—

(*a*) receive a petition for any sum relating to the public service, or

(*b*) proceed upon any motion for a grant or charge upon the public

revenue, whether payable out of the consolidated fund or out of money to be provided by parliament, or

(*c*) receive any petition, or proceed upon any motion, for a charge upon the revenue of India;

except upon the recommendation of the Crown.

These are the rules laid down by S. O. 66 and 70. *See* May 559, *sqq.*, and Walpole's Todd, 2, 187, *sqq.* As to their effect on money bills and money clauses in bills, *see* § 167. It follows from the principle embodied in these standing orders that the house cannot increase a sum demanded on behalf of the Crown for the service of the state. As to the apparent qualifications of this rule, *see* May, 563-4.

As to charges which do not require the recommendation of the Crown, *see* May, 567, *sqq.*

As to the mode of proposing a grant for a memorial to a deceased statesman, *see* May, 571. As to the cases in which the introduction of a bill involving public expenditure, or the making of a motion advocating public expenditure or the imposition of a charge, is possible without the previous recommendation of the Crown, *see* May, 571.

219. The house does not proceed upon— Money not granted except in committee of whole house.

(*a*) any petition, motion, or bill, for granting any money, or for releasing

or compounding any sum of mo ey owing to the Crown; or

(*b*) any motion for an address to the Crown praying that any money may be issued, or that any expense may be incurred;

except in a committee of the whole house.

These are the rules laid down by S. O. 67 and 69. As to their effect on money bills and money clauses, *see* § 167.

Proposal to impose charge must be adjourned and referred to committee.

220. If any motion is made in the house for any aid, grant, or charge upon the public revenue, whether payable out of the consolidated fund or out of money to be provided by parliament, or for any charge upon the people, the consideration and debate thereof must not be presently entered upon, but must be adjourned until such further day as the house thinks fit to appoint, and then must be referred to a committee of the whole house before any resolution or vote passes thereon.

This is the rule laid down by S. O. 71. *See* May, 558-560. The S. O. does not apply to charges which do not

require the recommendation of the Crown. *See* May, 567.

Procedure for obtaining Supply.

Request from Crown for supply.

221. The demand by the Crown for grants of money for the service of each financial year is made in the speech from the throne at the beginning of each session. The King, addressing the Commons, demands the annual supply for the public service, and acquaints them that estimates will be laid before them of the amount that will be required.

See May, 545. The financial year begins on the 1st of April.

Presentation of estimates.

222. As soon as practicable after the commencement of each session estimates are presented to the house, showing the amount which will be required for the public service during the next financial year. Supplementary estimates for the current financial year are also, if necessary, presented.

See May, 546.

Form of ordinary annual estimates.

223. The ordinary annual estimates are presented in three parts or divisions, each comprising one of the three branches of the public service, namely the army, the navy, and the civil services.

Each estimate contains, first, a statement of the total grant thereby demanded, and then a statement of the detailed expenditure under each grant, divided into subheads or items.

The Treasury are responsible for the form of the estimates. Substantial alterations would probably not be made without the previous approval of the house or of the public accounts committee. *See* May, 547. The civil services include the revenue departments.

Other estimates.

224. Besides the ordinary annual estimates there may be presented estimates for—

(1) votes on account;

(2) supplementary or additional grants;

(3) excess grants;

(4) votes of credit; and

(5) exceptional grants.

See May, 547, 554. May mentions also (p. 556) the incidental charges necessary to carry on the public

service, but not of the nature of the annual supplies, which are voted every session, upon a recommendation signified by a minister of the Crown, and which are usually for salaries and other expenses caused by the legislation of the session. These would, if necessary, be met by supplementary or additional grants.

Votes on account.

225. A vote on account is a grant in advance for the estimated departmental expenditure of the year before complete and detailed sanction has been given to that expenditure.

See May, 549. Under a provision inserted in the annual Appropriation Act the War Office and Admiralty can, with the sanction of the Treasury, and subject to confirmation by a provision in a subsequent Appropriation Act, make a temporary advance on account out of any one, towards any other, of their respective grants. This provision is based upon a resolution passed in committee and agreed to by the house before the introduction of the Appropriation Bill. It is customary to obtain, before the 31st of March in each year, the grant for the pay and wages of the men in the army and navy for the ensuing financial year, and to use the money so granted on account for the general maintenance of the army and navy services respectively, until the grants for those services are completed. No similar provision applies to the civil services, and consequently votes on account are always required to maintain these services during the first part of each financial year. According to established usage, demands for votes on account are restricted to such services as have received the sanction of parliament. Votes on account may also be made

necessary by a dissolution of parliament. *See* May, 550.

Supplementary or additional grants.

226. An estimate must be presented for a supplementary or additional grant when—

(1) the amount named in the ordinary estimates for a particular service is found to be insufficient for the purposes of the current year; or

(2) a need arises during the current year for expenditure upon some new service not contemplated in the ordinary estimates for that year.

See May, 552. These grants include the "estimates supplementary to those of a previous session," "votes for supplementary or additional estimates presented by the government for war expenditure," "votes for any new service not included in the ordinary estimates for the year, and any additional estimates for any new matter not included in the original estimates for the year," referred to in S. O. 15. *See* § 233. As to the limits of discussion on a supplementary estimate, *see* May, 621.

Excess grants.

227. An excess grant is needed when a department has, by means of advances from the civil contingencies fund or the treasury chest fund, or out of funds derived from

"extra receipts," or otherwise, spent money on any service during any financial year in excess of the amount granted for that service and for that year.

See May, 553.

A proposal for an excess grant must be first brought before the committee of public accounts, and then presented to the committee of supply in the form of a resolution which includes all the excess expenditure on the branch of the public service to which the resolution applies. As a rule the grants should be voted, and the money made available, before the end of the current financial year, so that the irregularity may be set right at the earliest possible moment. *See* May, 554-5.

Votes of credit.

228. An unexpected demand upon the resources of the United Kingdom, *e.g.*, for the defence of the empire, or for a military service, when, on account of the magnitude or indefinite character of the service, the demand cannot be stated with the details given in an ordinary estimate, may be laid before parliament by an application based on an estimate of the total sum required for a vote of credit.

See May, 554. The last vote of credit was on 27 April, 1885.

Exceptional grants.

229. An exceptional grant may be required—

(1) to meet the cost of an imperial undertaking which forms no part of the current service of the year; or

(2) for the maintenance of the dignity and well-being of the Crown; or

(3) for the reward of men who have rendered distinguished service to the Crown.

See May, 555. The grants for the abolition of slavery, and for the purchase of the Suez Canal shares, belong to the first of these classes. Grants of the second and third class are made in pursuance of a message from the Crown. *See* § 252. A proposal for an exceptional grant is made either by a resolution proposed in a committee of the whole house appointed to sit on a future day (*see* § 220) or by the presentation of an estimate. An exceptional grant may be voted either by the committee of the whole house appointed to consider the matter, or wholly or partially by the committee of supply. If the grant is voted in the committee of supply, it is included in the Appropriation Act (*see* § 245); if in a special committee, it is authorised by a special Act. *See* May, 555-6.

Appointment of committees of supply and ways and means.

230. The house appoints the committees of supply and ways and means at the commencement of every session, as soon as an

address has been agreed to in answer to the King's speech.

See S. O. 14; May, 587, 603.

These committees are committees of the whole house appointed for the transaction of financial business.

The committee of supply controls the public expenditure by considering the grants of money that will be required for the army, navy, and civil services of the year, upon the estimates of expenditure presented by the ministers of the Crown.

The committee of ways and means provides the public income raised by the imposition of annual taxation, and votes the resolutions which authorise the issue out of the consolidated fund of the sums required to meet the grants voted by the committee of supply. *See* May, 588.

Days for which committees of supply and ways and means must be fixed.

231. The committees of supply and ways and means must be fixed for Monday, Wednesday, and Thursday, and may also be appointed for any other day on which the house meets for despatch of business.

See S. O. 16. This order is of little value under the existing arrangements as to allotted days, and its only effect is that the committees of supply and ways and means must as a matter of form appear on the orders of the day for every Monday, Wednesday, and Thursday.

Supply cannot be taken unless "effective notice" has been given, *i.e.* unless notice of the votes intended to be submitted to the committee appears upon the paper. *See* May, 612. But votes of which public notice has

been given have been allowed to be taken although omitted from the paper. When it is intended to take ways and means, notice that resolutions will be moved appears on the paper.

Procedure on going into committee of supply.

232. Whenever the committee of supply stands as an order of the day, the Speaker, on the order being read, leaves the chair without question put, unless on first going into supply on the army, navy, or civil service estimates respectively, or on any vote of credit, an amendment is moved or question raised relating to the estimates proposed to be taken in supply.

See S. O. 17. The effect of this order is to stop the general discussions which used to take place on the question formerly put whenever supply was an order of the day, that the Speaker do now leave the chair. The only occasions on which such a question can now be put, and therefore on which a debate can now arise, are when the annual estimates of any one of the three classes are first set down for consideration, and on these occasions the debate must be confined to the class of estimates of which notice has been given. *See* May, 608.

A motion made on going into committee of supply is technically an amendment to the question that the Speaker do now leave the chair, proposing to leave out certain words from that motion, and substitute others. *When* the question that the words proposed to be left

out stand part of the question has been decided in the affirmative, no further amendment can be moved, but discussion can be continued on the main question, *i.e.* that the Speaker leave the chair. Therefore the subsequent amendments, if any, standing on the paper merely indicate topics of discussion. A member who has given notice of an amendment does not wait for the Speaker's call, but rises to move when the opportunity occurs. *See* May, 609. On the question that the Speaker leave the chair it is not proper to discuss in detail particular votes to be taken in committee of supply.

Days allotted for supply.

233.—(1) As soon as the committee of supply has been appointed and estimates have been presented, the business of supply is, until disposed of, the first order of the day on Thursday,[1] unless the house otherwise order on the motion of a minister of the Crown, moved at the commencement of public business, to be decided without amendment or debate.

(2) Not more than twenty days, being days before the 5th of August, must be allotted for the consideration of the annual estimates for the army, navy, and civil services, including votes on account.[2] The days allotted do not include any day on which the question has to be put that the

Speaker do leave the chair,[3] or any day on which the business of supply does not stand as first order.

(3) Provided that the days occupied by the consideration of estimates supplementary to those of a previous session[4] or of any vote of credit,[5] or of votes for supplementary or additional estimates[6] presented by the government for war expenditure, or for any new service[7] not included in the ordinary estimates for the year, shall not be included in the computation of the twenty days aforesaid.

(4) Provided also that on motion made after notice, to be decided without amendment or debate, additional time, not exceeding three days, may be allotted for the purposes aforesaid, either before or after the 5th of August.

(5) On a day so allotted, no business other than the business of supply[8] can be taken before eleven,[9] and no business in committee or proceedings on report of supply can be taken after eleven, whether a general order exempting business from interruption

under the Standing Order (Sittings of the House) is in force or not, unless the house otherwise order on the motion of a minister of the Crown, moved at the commencement of public business, to be decided without amendment or debate.[10]

(6) Of the days so allotted, not more than one day in committee may be allotted to any vote on account, and not more than one sitting[11] to the report of that vote. At eleven on the close of the day on which the committee on that vote is taken, and at the close of the sitting[11] on which the report of that vote is taken, the chairman of committees or the Speaker, as the case may be, must forthwith put every question necessary to dispose of the vote or the report.

(7) At ten of the clock on the last day but one of the days so allotted the chairman must forthwith put every question necessary to dispose of the vote then under consideration, and must then forthwith put the question with respect to each class of the civil service estimates, that the total amount of the votes

outstanding in that class be granted for the services defined in the class, and must in like manner put severally the questions that the total amounts of the votes outstanding in the estimates for the navy, the army, and the revenue departments be granted for the services defined in those estimates.

(8) At ten of the clock on the last (not being earlier than the twentieth) of the allotted days, the Speaker must forthwith put every question necessary to dispose of the report of the resolution then under consideration, and must then forthwith put, with respect to each class of the civil service estimates, the question that the house doth agree with the committee in all the outstanding resolutions reported in respect of that class, and must then put a like question with respect to all the resolutions outstanding in the estimates for the navy, the army, the revenue departments, and other outstanding resolutions [12] severally.

(9) On the days appointed for concluding the business of supply, the consideration of

that business may not be anticipated by a motion of adjournment, and no dilatory motion may be moved on proceedings for that business, and the business is not interrupted under any standing order.

(10) Any additional estimate for any new matter not included in the original estimates for the year must be submitted for consideration in the committee of supply on some day not later than two days before the committee is closed.

(11) For the purposes of this order two Fridays are deemed equivalent to a single sitting on any other day.

This is S. O. 15.

[1] Where the proceedings in committee of supply had been terminated by a count, and consequently there had been no report, and no day had been fixed for the committee to sit again, the house, under this standing order, went into committee of supply on the following Thursday, and the proceedings of that Thursday and the preceding Thursday were reported together (23 May, 1907).

[2] *See* § 225.

[3] *See* § 232.

[4] As to supplementary estimates, *see* § 226.

[5] *See* § 228.

[6] *See* § 226.

[7] This phrase seems to be equivalent to the phrase "new matter" in paragraph (10) of this order. It would apparently include the exceptional grants referred to, May, 555, and some of the supplementary grants referred to, May, 552. *See* §§ 226, 229.

[8] "Business of supply" includes, not only the report of supply, but also the business in committee of ways and means and on the report from that committee which is necessary to complete and render effective the grants made in committee of supply. "Business in committee or proceedings on report of supply" means business in committee of supply and proceedings on report of supply, but does not include business in committee of ways and means.

[9] This prohibition does not exclude private business or such matters as are dealt with in ordinary course before the first order of the day is called.

[10] A motion allowing other business to be taken before eleven used to be made on the last of the allotted days, but is now considered to be unnecessary.

[11] Since the abolition of the double sittings "day" and "sitting" have become synonymous.

[12] This would include the exceptional grants referred to, May, 555. *See* § 229.

Procedure in committee of supply.

234.—(1) When a motion is made in committee of supply to omit or reduce any item of a vote, a question is proposed from the

chair for omitting or reducing that item accordingly, and members must speak to that question only, until it has been disposed of.

(2) When several motions are offered, they must be taken in the order in which the items to which they relate appear in the printed estimates.

(3) After a question has been proposed from the chair for omitting or reducing any items, no motion may be made, or debate allowed, upon any preceding item.

(4) When it has been proposed to omit or reduce items in a vote, the question is afterwards put upon the original vote, or upon the reduced vote, as the case may be.

(5) After a question has been proposed from the chair for a reduction of the whole vote, no motion may be made for omitting or reducing any item.

These are the rules laid down by the resolutions of 9 February, 1858, and 28 April, 1868. *See* May, 618. As to the notice of the votes to be taken in committee of supply, *see* note on § 231.

When a proposal is made for reducing a grant, the

question proposed from the chair is that the smaller sum, to which the proposal would reduce the grant, be granted. But when the proposal is to reduce an item, the question proposed is that the item be reduced by a particular amount. *See* May, 617, 618.

Items of a grant must be dealt with separately, and an amendment including more than one item must be moved as a reduction of the whole grant. *See* May, 619.

The rule (3) prohibiting return in debate to prior items remains in force although the motion on which the question was proposed is withdrawn, and prohibits renewal of discussion on a particular item under cover of discussion of the whole grant. *See* May, 619.

Restrictions on motions in committee of supply.

235. In committee of supply a motion cannot be made

(*a*) to increase a grant asked for; or

(*b*) to alter the destination of a grant.

See May, 615. The sole function of the committee of supply is to grant, reduce, or refuse the supplies set forth in the estimates. If it is necessary to increase a grant, either the estimate for the grant must be withdrawn and a revised estimate presented, or a supplemental or additional estimate must be presented.

The committee of supply can reduce estimates of expenditure, *i.e.* can refuse to grant as much as the Crown asks for, but cannot reduce or discuss the application of appropriations in aid, these not being sums demanded by the Crown, but sums, actual or estimated, received from other sources.

Report of supply.

236. When a resolution passed by the committee of supply is reported to the house, consideration of the report must be set down for a future day.

On the consideration of the report a motion to increase the amount mentioned in the resolution cannot be made.

See May, 626. These rules follow from the principles embodied in S. O. 67 and 69. *See* § 219. A resolution, when reported, has sometimes been recommitted, at the instance of a minister of the Crown, for the purpose of increasing the amount granted. *See* May, 628. As to the procedure on reading the order of the day for consideration of the report, *see* § 71.

Appropriation of supply.

237. All money granted in any session for the service of the Crown must, during that session, be appropriated by Act of Parliament to some distinct use, to take effect either wholly or partly in the financial year in which the Act is passed.

See May, 590, and the ruling of Mr. Speaker Peel on 24 June, 1890; 411 Hansard, 3rd series, Vol. 345, p. 1802. This is an important constitutional principle, to which effect is given by the annual Appropriation Act. *See* § 245. The votes are taken "for services coming in course of payment during the year."

Ways and Means.

Functions of committee of ways and means.

238. The functions of the committee of ways and means are—

(1) to authorise grants out of the consolidated fund;

(2) to consider and vote the taxes necessary for the supplies of the year.

See May, 588-590. The proceeds of all taxes must, unless some statute otherwise provides, be paid into the consolidated fund.

Resolutions to authorise grants.

239. For the purpose of authorising grants out of the consolidated fund, a minister of the Crown, in committee of ways and means, moves resolutions in the following form: "That, towards making good the supply granted to His Majesty for the service of the year ending on the 31st of March, 190 , the sum of £ be granted out of the consolidated fund of the United Kingdom."

See May, 591. The draft on the consolidated fund authorised by any such resolution must not exceed the amount of supply which has been previously granted for the service of the year, and it is the duty of the public

bill office, acting on behalf of the Speaker, to ensure compliance with this rule. *See* May, 592.

Resolutions for taxation.

240. When the chancellor of the exchequer has made his annual financial statement, he moves, in committee of ways and means, the resolutions required for continuing, imposing, remitting, or reducing taxes, or otherwise regulating the collection of the revenue.

These resolutions require confirmation by Act of Parliament, but when any such resolution is to take effect at once it is, by usage, brought into operation as soon as it has been passed by the committee of ways and means.

See May 588, 589. The annual financial statement, commonly called "the budget," is usually made in the committee of ways and means.

The consequent resolutions are usually handed in at the table immediately after the conclusion of the budget statement, and one at least of them is usually passed on the same day. This, however, is not necessary except for the purpose of imposing a new tax which has to come into immediate operation.

The legislative authority required to give complete effect to the resolutions is given by the Finance Act of the year. *See* § 244. If a resolution to which anticipatory effect has been given is subsequently modified in the

progress of the Finance Bill, it may become necessary to make readjustments.

Procedure in committee of ways and means.

241. The procedure as to amendments in committee of ways and means corresponds to the procedure in ordinary committees of the whole house, and not to the procedure in committee of supply.

See May, 624.

Restrictions on motions in committee of ways and means.

242. In committee of ways and means a proposal to increase the amount proposed to be raised by taxes cannot be made except by a minister of the Crown.

See May, 625. This follows from the principle that a demand for public money must proceed from the Crown.

Report of ways and means.

243. When a resolution passed by the committee of ways and means is reported to the house, the consideration of the resolution on report must be set down for a future day.

On the consideration of a resolution reported from the committee of ways and means, no motion involving an increase of taxation can be made, whether by a minister of the Crown or otherwise. If there is to be an increase, there must be a fresh resolution.

See § 220; May, 626.

Legislation consequent on ways and means resolutions.

244. Resolutions passed by the committee of ways and means, when agreed to by the house, require confirmation by Act of Parliament.

The resolutions authorising grants out of the consolidated fund are confirmed by one or more Consolidated Fund Acts and by the annual Appropriation Act.

The resolutions as to taxes are confirmed by the annual Finance Act.

See May, 629. The introduction of the bills for these purposes is ordered by the house when it has agreed to the necessary resolutions.

Consolidated Fund Acts.

245. The object of a Consolidated Fund Act is to empower the Treasury to receive out of the consolidated fund for the service of the departments for whose use money has been granted such sums as may be required in anticipation of the final sanction given by the Appropriation Act.

See May, 557 ; the Exchequer and Audit Departments Act, 1866 (29 and 30 Vict. c. 39) ; and s. 2 of the Public Accounts and Charges Act, 1891 (54 and 55 Vict. c. 24).

In order to meet the financial exigencies of each year the first Consolidated Fund Act must be passed in time to receive the royal assent and to allow of the necessary issues being made before the 1st of April.

Other Consolidated Fund Acts are passed, if and when necessary, during the course of the session.

Each of these Acts, besides authorising grants from the Consolidated Fund, authorises the Banks of England and Ireland, on application of the Treasury, to advance to the amount authorised by the Act the sums required for the public service in respect of any services for which grants have been voted during the same session, and authorises the Treasury to borrow on Treasury bills. *See* May, 591.

Appropriation Act.

246. When all the supply grants necessary for the service of the year have been voted by the committee of supply, a resolution is moved in the committee of ways and means for authorising a grant out of the consolidated fund to provide the balance of money required for the purpose of these grants.

When this resolution has been agreed to on report, the Appropriation Bill for the session is brought in on an order of the house.

This bill

(1) authorises the issue out of the consolidated fund of the remaining sums necessary for the service of the year;

(2) enacts that each grant voted during the session in committee of supply,

shall be expended upon the service to which it is thereby appropriated in accordance with the terms prescribed by the resolutions of the committee; and

(3) ratifies the applications of the army and navy grants.

See May, 593-4. The debate on the several stages of the Appropriation Bill (and of any Consolidated Fund Bill) is confined to the official conduct or actions of the persons who receive or administer the grants specified in the bill. *See* May, 594. Amendments cannot be moved to reduce the amount or alter the destination of any grant. *See* May, 595. As to the ratification of the application of army and navy grants, *see* § 225.

Finance Act.

247. The legislative provisions required to give effect to the resolutions as to taxation for any financial year are now, by usage, embodied in a single Act, called the Finance Act of the year in which it is passed.

This Act now usually contains all the provisions incidental to the financial arrangements for the year. Successive stages of the bill must be taken on separate days. At the report stage no increase of taxation can be proposed, but if it is desired to insert any provision imposing an additional charge on the people, the bill may be recommitted for this purpose. At no stage can any increase of taxation be proposed except by a minister of the Crown,

CHAPTER XI.

RELATIONS BETWEEN THE TWO HOUSES.

Privileges of House of Commons with respect to charges on the people.

248. It was resolved by the House of Commons on 3 July, 1678 :—

> That all aids and supplies to His Majesty are the sole gift of the Commons;
>
> That all bills for the granting of such aids and supplies ought to begin with the Commons; and
>
> That it is the undoubted and sole right of the Commons to direct, limit, and appoint in such bills, the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the House of Lords.

It was resolved by the House of Commons on 6 July, 1860 :—

> That the right of granting aids and supplies to the Crown is in the

Commons alone, as an essential part of their constitution, and the limitation of all such grants, as to matter, manner, measure, and time;

That although the Lords have exercised the power of rejecting bills of several descriptions relative to taxation by negativing the whole, yet the exercise of that power by them has not been frequent and is justly regarded by this house with peculiar jealousy, as affecting the right of the Commons to grant the supplies and to provide the ways and means for the service of the year;

That, to guard for the future against an undue exercise of that power by the Lords, and to secure to the Commons their rightful control over taxation and supply, the house has in its own hands the power so to impose and remit taxes, and to frame bills of supply, that the right of the Commons as to the matter, manner, measure,

and time may be maintained inviolate.

The practice which has grown up under the resolution of 1678, as emphasised by the resolutions of 1860, is described in May, pp. 573-586. Any infraction of the principles affirmed by that practice is liable to be treated by the Commons as a breach of their privileges.

The main conclusions to be drawn from the course of practice may be stated as follows :—

(1) The Lords ought not to initiate any legislative proposal, embodied in a public bill, and imposing a charge on the people, whether by way of taxes, rates, or otherwise, or regulating the administration or application of money raised by such a charge.

(2) The Lords ought not to amend any such legislative proposal by altering the amount of a charge, or its incidence, duration, mode of assessment, levy, or collection, or the administration or application of money raised by such a charge.

(3) The Lords may reject the whole of a bill embodying any such legislative proposal, or may reject the whole of a set of provisions embodying any such legislative proposal, and forming part of a bill which they are otherwise entitled to amend, when the set of provisions so rejected forms a distinct and separate subject.

(4) Where the Commons assert their privileges in respect of a bill originating in the House of Lords, they resolve that the bill be laid aside, or be postponed for six months or some other period.

(5) Where the Commons assert their privileges in respect of an amendment made by the Lords in a bill originating in the Commons, they disagree with the amendment, and send a message to the Lords stating that the amendment would interfere with the public revenue, or affect the levy and application of rates, or alter the area of taxation, or otherwise infringe the privileges of the house, and that the Commons consider it unnecessary on their part to offer any further reason, hoping this reason may be deemed sufficient.

(6) The Commons have, by standing order, waived their privileges in certain classes of cases. *See* §§ 249, 250.

(7) The Commons sometimes waive their privileges in particular cases where the house has not considered it advisable to insist upon them. *See* May, 577-8. In such cases the Commons often justify their action by means of an entry in the journal made by direction of the Speaker, and explaining the reason for the course adopted.

(8) The Lords have occasionally, after making an amendment which would throw a burden on public funds, qualified the amendment by a proviso that it should not have that effect. Such a proviso prevents the question of privilege being directly raised, but makes the amendment nugatory, and is intended as an invitation to the Commons to strike it out and thus make the imposition of the burden their own act. This course was adopted in the case of the Local Government (Ireland) Bill, 1898, and the Education Bill, 1902.

(9) When the Lords wish to indicate that certain financial provisions are required to give effect to legislative proposals made by them, those provisions

are printed in italics in the bill or amendment sent down by them, but are not supposed to form part of the bill or amendment so sent down. They operate merely as suggestions, and must, if adopted by the House of Commons, be voted and passed as proposals originating in that house.

Waiver of privileges with respect to penalties, fees, and forfeitures.

249. With respect to bills brought to the House of Commons from the House of Lords, or returned by the House of Lords to the House of Commons, with amendments, whereby any pecuniary penalty, forfeiture, or fee is authorised, imposed, appropriated, regulated, varied, or extinguished, the House of Commons does not insist on its ancient and undoubted privileges in the following cases:—

(1) When the object of the pecuniary penalty or forfeiture is to secure the execution of the Act, or the punishment or prevention of offences;

(2) Where the fees are imposed in respect of benefit taken or service rendered under the Act, and in order to the execution of the Act, and are not made payable into the Treasury

or Exchequer, or in aid of the public revenue, and do not form the ground of public accounting by the parties receiving the same, either in respect of deficit or surplus;

(3) When a bill is a private bill for a local or personal Act.

This is S. O. 44.

Waiver of privileges with respect to tolls and charges in private bills.

250. The House of Commons does not insist on its privileges with regard to any clauses in private bills, or in bills to confirm any provisional orders or provisional certificates, sent down from the House of Lords, which refer to tolls and charges for services performed, and are not in the nature of a tax, or which refer to rates assessed and levied by local authorities for local purposes.

This is S. O. (private business) No. 226. *See* May, 708.

Communications between the two houses.

251. Communications between the two houses are ordinarily made by messages, which are usually conveyed by the clerk of one house to the clerk of the other.

See May, pp. 436, 437. The commonest form of mes-

sage is for the purpose of conveying a bill from one house to the other. Messages are also sent for requesting the attendance of witnesses, for the interchange of reports and other documents, for the appointment of a joint committee (*see* § 100), and for communicating other matters of an ordinary description which occur in the course of parliamentary proceedings. The practice of sending messages by clerks of the house was introduced by resolution of 24 May, 1855. *See* May, 437. The old practice of holding formal conferences, the procedure at which is described in May, 437-441, has fallen into desuetude.

CHAPTER XII.

COMMUNICATIONS BETWEEN THE CROWN AND THE HOUSE.

Mode of making communications from Crown to house.

252. Communications from the Crown to the house are made—

In the House of Lords, to both houses —

(1) by a speech from the throne, delivered either by the King, or by the lord chancellor on his behalf, at the beginning or end of the session ;

(2) by lord commissioners under the great seal, at any time ;

In the House of Commons—

(1) by a message, under the sign manual or otherwise ;

(2) through a minister of the Crown ;

(3) through a privy councillor.

See May, 445 ; and §§ 4, 7, 8, 214.

Message from Crown.

253. A message under the sign manual may be sent for the purpose of announcing

some important public event which requires the attention of parliament, or to inform parliament of an emergency which occasions the calling out for service of the militia and reserve forces, or to request provision for the royal family, or a grant for the reward of persons who have done distinguished service to the empire. The message is brought by a member of the house who is a minister of the Crown. He appears at the bar, informs the Speaker that he has a message from the King to the house, signed by the King himself, and then, on being so desired by the Speaker, brings the message up to the chair and delivers it to the Speaker, who then reads it to the house. Whilst the message is being read members remain uncovered.

Messages not under the sign manual, and of a less important character, such as replies to ordinary addresses, are brought by a member of the royal household (being a member of the house), who appears at the bar for this purpose, and on being called by

the Speaker delivers the message at the table.

See May, 445, 446, 555, 556.

Communications through ministers of the Crown.

254. Communications of a less formal nature may be made to the house by a minister of the Crown acting on behalf of the Crown.

Thus a minister of the Crown indicates the amount required for the public service by presenting estimates (*see* May, 546); signifies the recommendation from the Crown of a motion creating a charge upon the public revenues or the revenues of India (May, 448, 558, 559); signifies that the Crown places its interest in particular rights or property at the disposal of parliament (May, 449-450); and signifies the permission of the Crown to take proceedings for the election of a Speaker (May, 157, 447).

Communications through privy councillors.

255. When the consent of the Crown, or of the duke of Cornwall, is required to any provision of a bill, the consent may be signified by a privy councillor.

See May, 448; and § 213.

Addresses from the house.

256. Formal communications from the house to the Crown are made by means of an address to the Crown.

COMMUNICATIONS BETWEEN THE CROWN AND THE HOUSE—CHAP. XII *continued.*

See May, 451-455. An address may be in reply to a speech from the throne (May, 170-171), or to a message from the Crown (May, 451), or may originate with the house. The subjects to which addresses may relate are of great variety (May, 453). They may be of a formal or ceremonial character, such as addresses conveying expressions of congratulation or condolence, or may support, recommend, approve, or condemn particular action by the executive. An address praying that money may be issued, or that any expenses may be incurred, must be based on a resolution in committee. *See* S. O. 69 and § 219. An address may be presented by the two houses jointly, but is more often presented by one of the two houses separately. As to the mode of presenting an address, *see* May, 455. An address from the House of Commons may be presented by the house itself, or by members of the house being privy councillors, or being members of the royal household, or by nominated members, as the house may order. Besides the presentation of an address, other less formal modes of making communications to the Crown are occasionally adopted. *See* May, 456.

CHAPTER XIII.

WITNESSES.

Power of house to summon witness.

257. The house can, by order, require the attendance of a person as a witness, either at the bar of the house or before a select committee.

An order of the house for this purpose is signed by the clerk of the house.

See May, 424, &c. The attendance of a witness at the bar of the house for examination either by the house or by a committee of the whole house is now very rare, and the power of the house to order the attendance of a witness is usually exercised to secure the attendance of a witness before a select committee which is not invested with the power of sending for persons, papers, and records. Most witnesses attend voluntarily, but a witness often requires a formal order for attendance as a justification for absenting himself from the performance of duties, public or private.

Power of committee to summon witness.

258. When a committee are, by order of the house, invested with power to send for persons, papers, and records, they can summon a witness by an order signed by the chairman of the committee.

If the witness does not attend in pursuance of the order, the committee report the fact to the house.

See May, 425. Committees on private bills are not usually invested with this power, and therefore have to seek the intervention of the house if they cannot otherwise obtain the attendance of a witness.

Warrant for production of prisoner as witness.

259. If a person whose attendance is required as a witness is in prison, the Speaker can, in pursuance of an order of the house, issue his warrant to the keeper of the prison, requiring him to bring the prisoner in safe custody in order to his being examined.

See May, 425, and 825 note.

Punishment for failure to attend as witness.

260. If a person summoned as a witness by the house, or by a committee having power to require the attendance of witnesses, fails to obey the summons, he is liable to the punishment attached to a breach of the privileges of the house.

See May, 425.

Request for attendance of *member as witness.*

261. If a select committee desire the attendance of a member as a witness the chairman

of the committee writes and requests him to attend.

See May, 426.

Request for attendance of peer or officer of the House of Lords.

262. If a select committee desire the attendance, as a witness, of a peer or of an officer of the House of Lords, the house, at the request of the committee, sends a message to the House of Lords requesting that leave be given for his attendance.

See May, 426, 427.

Power to administer oaths to witnesses.

263. The house may administer an oath to any witness examined at the bar of the house.

A committee of the house may administer an oath to any witness examined before the committee.

If any person so examined wilfully gives false evidence he is liable to the penalties for perjury.

A person to be so examined may substitute an affirmation for an oath.

An oath or affirmation for the purpose of the examination may be administered by the

Speaker, or by a person appointed for that purpose either by him or by any standing order or other order of the house.

These provisions are made by s. 1 of the Parliamentary Witnesses Oaths Act, 1871 (34 & 35 Vict. c. 83).

Persons authorised to administer oaths.

264. Any oath taken or affirmation made by a witness before the house, or a committee of the whole house, may be administered by the clerk at the table.

Any oath taken or affirmation made by a witness before a select committee may be administered by the chairman or by the clerk attending the committee.

These provisions are made by S. O. 86 and 87.

Protection of witnesses.

265. If any person threatens or in any way punishes, damnifies, or injures, or attempts to punish, damnify, or injure, any person for having given evidence upon any inquiry by any committee of the house, or on account of the evidence which he has given upon any such inquiry, he is liable to fine or imprisonment under the Witnesses (Public Inquiries) Protection Act, 1892.

See 55 & 56 Vict. c. 64. *See* also the usual sessional order as to witnesses, below, p. 305.

Evidence of proceedings in house not to be given without leave.

266. No clerk or officer of the house, or shorthand writer employed to take minutes of evidence before the house or a committee thereof, may give evidence elsewhere in respect of any proceedings or examination held at the bar or before any committee of the house, without the special leave of the house.

See the resolution of 26 May, 1818, and May, 431. Leave is obtained by a petition to the house. Leave may also be given, during a recess by the Speaker, and during a dissolution by the clerk of the house.

CHAPTER XIV.

ACCOUNTS AND PAPERS.

Authority for presenting accounts and papers.

267. Accounts and papers are presented to the house in pursuance of—

(1) provisions of an Act of Parliament, or

(2) an order of the house, or

(3) an address to the Crown, or

(4) the command of the Crown.

These are the usual modes. But there are other modes also, *e.g.* under some of the standing orders relating to private business.

The papers presented in pursuance of Acts of Parliament are mostly reports, accounts, and other documents which, under numerous statutory provisions, are required to be laid before parliament.

The house, by means of orders, or of addresses to the Crown, obtains returns supplying information on matters of public interest. If the return relates to a matter connected with the exercise of the royal prerogative, it is obtained by means of an address to the Crown; if not, it is obtained by an order of the house. The general rule is that information to be obtained from or through any of the revenue departments, any department under the Treasury, or any department constituted or regulated by statute, is obtained by means of an order, whilst informa-

tion to be obtained from or through a secretary of state or the privy council, is obtained by means of an address. *See* May, 536, 538. The information sought must relate to a matter of public importance and be obtainable through a public authority. A motion for a return may be opposed on grounds of public policy, such as that the disclosure of the information sought is not for the public interest, or that its supply would involve unreasonable labour or expense. *See* May, 539. If a motion for a return is opposed it must be made at the time set apart for notices of motion. If it is unopposed it may be made either then or at any time before the commencement or after the conclusion of public business, and either by or on behalf of the member in whose name it stands. A return will not be treated as unopposed except on evidence of consent by the department responsible for supplying the information sought.

Papers are frequently presented to parliament by command of the Crown, without any application from either house.

Papers are usually presented to the house without any formality, by being "laid on the table," that is, in most cases, by being sent to the journal office. Under S. O. 95 papers presented by command may, during the recess, be presented by delivery to the librarian.

Papers presented in pursuance of a statute, or of an order of the house, or of an address of the Crown, are, if of sufficient importance, printed by order of the house, and in accordance with directions given by the Speaker. The order is usually treated as an order of course.

Papers presented by command are printed under the directions of the department from which they issue. There is an exception in the case of the estimates, which are printed by order of the house.

ACCOUNTS AND PAPERS—CHAP. XIV. *continued.*

Every printed paper bears a distinctive number, and shows on its face the date on which it was ordered to be printed, or, if a command paper, the month in which it was presented, and in either case, the price at which it may be purchased by the public.

The printed accounts and papers are distributed to members of parliament and certain other specified persons and authorities in accordance with regulations made on the 20th of March, 1889, by a select committee appointed to superintend the form and to regulate the distribution of parliamentary papers. The vote office is charged with the distribution of parliamentary papers to members of the house.

The accounts and papers of each session are arranged in volumes after the end of the session, and an index of the whole of the sessional volumes is made. There is also a general index to the accounts and papers, 1800-1850, and to each of the subsequent decennial periods, ending with 1899.

Papers presented but not printed remain in the custody of the librarian.

If a minister of the Crown quotes in the house a despatch or other state paper which has not been presented to the house, he ought to lay it on the table. This rule is analogous to the rule observed in courts of law against quoting documents which are not produced in evidence. It cannot be applied to private documents, or to documents which are alleged by the minister to be of such a nature that their production would be inconsistent with the public interest. *See* May, 338, 339, 539.

A contract requiring confirmation by parliament must be laid on the table and confirmed by a public Act. *See* S. O. 72-74.

CHAPTER XV.

RECORDS OF THE HOUSE.

Votes and proceedings.

268. A short record of the proceedings of the house each day on which it sits is compiled from the notes taken by the clerks at the table, is distributed in a printed form next morning, and is known as "Votes and Proceedings."

See May, 201.

Journal of the house.

269. The journal of the house is made up from the "Votes and Proceedings," and is printed at the end of each session.

An index, called the sessional index, is appended to the journal of each session, and another index, called the general index, is compiled at intervals of about 10 years.

See May, 201, 202. The journals of the house of commons go back to the first year of Edward VI., 1547. The votes and proceedings have been printed, with some interruptions, since 1680. A King's printer's copy of the journal is admissible as evidence under 8 & 9 Vict. c. 113, s. 3.

The printing of the votes and proceedings, the journal, and the index, is provided for by a sessional order. See § 8, and *pp. 306, 307.*

CHAPTER XVI.

MISCELLANEOUS.

Attendance of Members.

Duty of member to attend.

270. It is the duty of every member of the House of Commons to attend the service of the house.

See May, 178, 179.

This duty is declared by two Acts (5 Ric. 2, st. 2, c. 4; 6 Hen. 8, c. 16), which are still unrepealed, and was formerly enforced by forfeiture of wages, call of the house, and in other modes. *See* May, 179. Wages have not been paid to members since the 17th century, and a call of the house has not been enforced since 1836. Motions for a call of the house have been made on various subsequent occasions, but the order has always been negatived, or, if made, discharged. *See* May, 181.

The duty to attend is, however, recognised by the orders which are occasionally made for granting leave of absence to a member on the ground of illness, domestic affliction, or for some similar reason. *See* May, 182. These orders are made on motion, after notice, and usually before the commencement or after the conclusion of public business. *See* May, 238, 248.

Attendance upon the service of parliament includes the obligation to fulfil the duties imposed upon members by the orders and regulations of the house. And, unless

leave of absence has been obtained, a member cannot excuse himself from attending a committee when his attendance, as in the case of a private bill committee, is made compulsory by standing or other orders. *See* May, 182.

Duties of Members as to Professional Advocacy for Reward.

Member not to advocate cause for pecuniary consideration.

271. It was resolved by the house on 26 February, 1830, that—It is contrary to the law and usage of parliament, that any member of this house should be permitted to engage, either by himself or any partner, in the management of private bills before this or the other house of parliament, for pecuniary reward. (85 C. J., 107.)

It was resolved by the house on 22 June, 1858, that—It is contrary to the usage, and derogatory to the dignity of this house, that any of its members should bring forward, promote, or advocate in this house any proceeding or measure in which he may have acted or been concerned, for or in consideration of any pecuniary fee or reward. (113 C. J., 247.)

As to the effect of these resolutions, *see* May, 83, 84, and the debates of 22 June, 1858 (217 Hansard, 3rd Series, Vol. 151, p. 176), and 10 Feb., 1893 (430 Hansard, 4th Series, Vol. 8, p. 1052).

Admission of Strangers.

Rules as to admission of strangers.

272. The admission of strangers, during the sittings of the house, to those portions of the house which are not reserved for the exclusive use of members, is in accordance with regulations made by the Speaker.

See May, 205-7 ; S. O. 89 ; and the reports of the select committees of 1888 and 1893 on the House of Commons (Admission of Strangers).

Power to order withdrawal of strangers.

273. If at any sitting of the house, or in committee, any member takes notice that strangers are present, the Speaker or chairman of committee, as the case may be, must forthwith put the question, "That strangers be ordered to withdraw," without permitting any debate or amendment; provided that the Speaker or the chairman may, whenever he thinks fit, order the withdrawal of strangers from any part of the house.

This is the rule laid down by S. O. 90, which was passed 7 March, 1888. As to the previous practice, *see* May, 206-7.

Duties and powers of serjeant-at-arms with respect to strangers.

274. It is the duty of the serjeant-at-arms to see that strangers do not enter or remain in parts of the house appropriated for the exclusive use of members, do not misconduct themselves in parts of the house to which they are admitted, and withdraw when so ordered, and he is armed with the requisite powers for this purpose.

See S. O. 88; May, 204; and § 31.

CHAPTER XVII.

PRIVATE BILLS.

This manual deals mainly with what is known as the public business of the house, and only incidentally, as in §§ 47, 49, with the procedure on private bills, the distinction between which and public bills has been explained above, § 163. As to the time and mode of dealing with those stages of the proceedings on private bills, including provisional order bills, which have to be taken in the whole house, *see* § 49. The procedure on private bills is regulated by a separate set of standing orders, forming a special code, and embodying minute and detailed provisions, which it would be difficult and dangerous to summarize here. For a full account, *see* May, chapters xxv.-xxxiii. All that is attempted here is to indicate briefly :—

(1) the main stages in the proceedings which precede and follow the introduction of a private bill;

(2) the procedure on provisional order bills; and

(3) the main differences between committees on public bills and committees on private bills.

Stages in Proceedings on Private Bills.

Stages in proceedings.

275. The main stages in the proceedings on an ordinary private bill are as follows:—

Preliminary advertisements.

(1) In the months of October and November certain notices relating to the objects of the bill must be advertised.

See S. O. (private business) 3-10.

Deposit of plans, &c.

(2) On or before the 30th of November plans, sections, and books of reference must, in certain cases, be deposited with certain local authorities and in other specified places.

See S. O. (private business) 23-31 and 39-55.

Notices to owners, &c.

(3) On or before the 15th of December certain notices must, in most cases, be given to owners and occupiers of lands.

See S. O. (private business) 11-22. In certain cases (S. O. (private business) 17, 17A, and 18) there are notices which must be given before 21 December.

Deposit of petition and bill in private bill office.

(4) On or before the 17th of December a petition for the bill, with a printed copy of the bill, and a declaration by the agents, must be deposited in the private bill office.

See S. O. (private business) 32. Certain other deposits must be made on or before 18 December. (S. O. (private business) 33, 34, and 34A.)

Deposit of estimates, &c.

(5) On or before the 31st of December certain estimates and other particulars must

be deposited in the private bill office and in other specified places.

See S. O. (private business) 35-37. Certain statements relating to working-class houses must be deposited on or before December 21 (S. O. (private business) 38), and certain money deposits must be made on or before January 15. S. O. (private business) 57-59.

Examination of bills with reference to standing orders.

(6) On the 18th of January the examiners of petitions for private bills commence their sittings for the purpose of seeing whether such of the standing orders as are applicable have been complied with in the case of the petitions for the several bills deposited. They certify by endorsement on the petition for each bill whether there has been compliance or not.

See S. O. (private business) 69-78. One of the two examiners of petitions for private bills is appointed by the Speaker; the other by the House of Lords. *See* S. O. (private business) 2; and May, 695-6. Each of them acts for both houses. The time for presenting memorials alleging non-compliance with standing orders is limited by S. O. (private business) 230-232; May, 697-704.

Reference to select committee on standing orders.

(7) If the examiners report non-compliance, their report is referred to the select committee on standing orders (*see* § 104), who report whether compliance should be dispensed with, and, if so, on what conditions.

See S. O. (private business) 199, 91-9

Distribution of bills between two houses.

(8) On or before the 28th of January the chairman of committees in the House of Lords, or his counsel, and the chairman of the committee of ways and means, or his counsel, meet and determine in which house of parliament the several private bills are to be first considered.

See S. O. (private business) 79; May, 705, 709.

Deposit of private bill.

(9) Each bill which is to be introduced in the House of Commons is deposited in the private bill office, and is laid by a clerk of that office on the table of the house.

See S. O. (private business) 195; May, 716. The deposit must be made on the day before that fixed for the bill being laid on the table, as to which *see* next rule.

Presentation of bill.

(10) If the examiner has endorsed the petition for the bill "standing orders complied with," the bill must be presented by being laid on the table of the house not later than one clear day after the endorsement, or if when it is endorsed the house is not sitting, then not later than one clear day after the first sitting thereof subsequent to the endorsement, and if the house is not sitting on the latest day on which the bill

ought to be laid on the table of the house, then the bill must be so laid on the first day on which the house again sits.

If the examiner has reported with respect to the bill that the standing orders have not been complied with, and the report has been referred to the select committee on standing orders, and that committee have reported that the standing orders ought to be dispensed with, the bill must be presented by being laid on the table of the house not later than one clear day after the house has given leave to the parties to proceed with the bill.

See S. O. (private business) 196.

First reading of bill.

(11) The bill when laid on the table of the house is deemed to have been read the first time, and is ordered to be read a second time or referred to the examiners as the case may be, on the day on which it is so laid, and is recorded in the votes as having been so read.

See S. O. (private business) 197; May, 715, 716. Certain bills have also to be referred to the examiners after first reading (*See* S. O. (private business) 72, 194 B) with reference to compliance with the Wharncliffe and other orders. *See* S. O. (private business) 62-68. *See* May, 723-5.

Petitions against bill.

(12) After a bill has been read the first time petitions against it, or praying for its amendment, may be presented. If the *locus standi* of any petitioner, *i.e.* his right to be heard on his petition, is questioned, the question is determined by the court of referees.

As to the mode of and time for presenting petitions against bills, *see* S. O. (private business) 128; May, 757-8. For the rules as to the form of petitions and as to *locus standi*, *see* S. O. (private business) 129-136; May, 758-760. As to the court of referees, *see* S. O. (private business) 87-89; May, 760-784. A bill is not treated as opposed unless, either a petition against it has been duly presented within the time limited by S. O. (private business) 128, or the chairman of ways and means has reported that it ought to be so treated. S. O. (private business) 83, 107, 209; May, 788-9, 753.

Second reading of bill.

(13) A bill is read a second time, by order of the house, on motion made.

This motion, as well as the other motion required for subsequent stages of a bill, is in ordinary practice made by the member who usually takes charge of private bills. The interval of time between the first and second reading of a bill is regulated by S. O. (private business) 204; May, 728-730. If the second reading of a bill is opposed its consideration must be postponed until the day on which the house next sits. S. O. (private business) 207. There may be a further postponement in accordance with the direction of the chairman of ways and means under S. O. (public) 8.

Committal of bill.

(14) A private bill, when read a second time and committed, stands referred to the

committee of selection, unless it is a railway or canal bill, in which case it stands referred to the general committee on railway and canal bills. These committees refer each bill to the committee by which it is to be considered, grouping bills which in their opinion ought to go to the same committee.

See S. O. (private business) 208, and 98-115. After the second reading of a bill instructions (*see* § 176) may be moved in the house to the committee which has to consider the bill. *See* May, 731-744. An instruction must appear on the notice paper and must be personally moved by the member in whose name it stands.

The interval between the second reading and committee stage of a bill is regulated by S. O. (private business) 211. May, 744.

Consideration of bill after committee stage.

(15) If a bill is amended in committee, or is a railway bill, it is ordered to lie upon the table, and is set down for consideration by the house.

If a bill is not amended in committee, and is not a railway bill, it is set down for third reading.

See S. O. (private business) 213; May, 832-3. As to the interval between report and consideration, *see* S. O. (private business) 215; May, 833. When a bill sent down for consideration is reached, if there is no opposition or amendment, it is at once ordered for third reading. If it is opposed the question is put "that this bill be now considered," and upon this a debate may arise or a

motion for recommitment may be made; May, 831-2. When the bill is taken into consideration amendments and new clauses may be moved, subject to the conditions required by S. O. (private business), 85, 216, 217, 242; May, 833-835.

Third reading.

(16) A bill is read the third time, by order of the house, on motion made.

The procedure is substantially the same as on second reading, and in the case of opposition the same provisions as to postponement apply. Only verbal amendments can be made on the third reading, but a motion may be made to re-commit. *See* S. O. (private business) 216-219; May, 831-2, 835. As to provisions requiring the consent of the Crown, and the mode of signifying that consent, *see* § 213.

Intervals between stages.

(17) A private bill must not pass through two stages on the same day without the special leave of the house.

See S. O. (private business) 223; May, 837. This order does not apply to provisional order bills. *See* § 277.

Postponement in case of opposition.

276. If the second or third reading of a private bill, or the consideration of a private bill as amended in committee, or any proposed clause or amendment, or any motion relating to a private bill, is opposed, it stands postponed until the day on which the house next sits, unless a later day is agreed on, and subject to further postponement by the chairman of ways and means under S. O. 8 (public).

Provided that where any such opposed private business is set down by direction of the chairman of ways and means and is disposed of, any motion contingent directly or otherwise thereon may, with the assent of the chair, be considered and disposed of at the same sitting.

See S. O. (private business) 207 ; May, 235, 730.

Provisional Order Bills.

Procedure on provisional order bills.

277. Bills to confirm provisional orders are introduced like public bills, but their introduction and subsequent stages in the house take place at the time of private business. After second reading they stand referred to the committee of selection or to the general committee on railway and canal bills, as the case requires, and are subject to the standing orders which regulate the proceedings on private bills so far as those standing orders are applicable.

See S. O. (private business) 151, 208A, and May, 236, chapter xxx., and pp. 757-8, 821. The regulations of the private business standing orders as to the intervals between successive stages do not apply to provisional order bills.

Private Legislation Procedure (Scotland).

278. In the case of bills to confirm orders made provisionally under the Private Legislation Procedure (Scotland) Act, 1899, an abbreviated procedure is authorised by that Act. Under s. 7, in the case of an unopposed order which has not been made the subject of a local inquiry, the confirming bill, after introduction, is deemed to have passed through all its stages up to and including committee, and is ordered to be considered in either house as if reported from a committee.

Special procedure under Private Legislation Procedure (Scotland) Act, 1899 (62 and 63 Vict., c. 47).

Under s. 9, in the case of an order, whether opposed or unopposed, which has been made the subject of a local inquiry, then, within seven days after the first introduction of the confirming bill into parliament, a petition may be presented against the order, and notice may then be given in the house in which the confirming bill originated, of a motion to refer the bill to a joint committee of both houses of parliament. This motion may be made immediately after the second reading of the bill. If the motion is carried, the bill stands referred to a joint committee whose report is laid before both houses. If

however, such a motion is either not made or not carried in the house in which the confirming bill originated, the bill is deemed to have passed the stage of committee in that house, and is ordered to be considered there.

As to procedure in the second house, *see* May, 905, 907-8; and, generally, *see* May, Ch. xxxi. 62 & 63 Vict., c. 47, and S. O. (private business) 250-59.

Committees on Private Bills.

Constitution of and procedure in committees on private bills.

279. The main difference between ordinary committees on private bills and select committees on public bills (*a*) are as follows:—

Constitution of committee.

(1) The committee on each opposed bill, or group of opposed bills (other than railway and canal bills), is constituted by the committee of selection, and consists, in the absence of a special order of the house, of a chairman and three other members (*b*).

The committee on each opposed railway and canal bill, or group of such bills, consists of three members appointed by the committee of selection and a chairman appointed (from among themselves) by the general committee on railway and canal bills (*c*).

The committee on unopposed bills consists of five members, namely, the chairman of ways and means (who, when present, is ex-officio chairman), the deputy-chairman, and two members from time to time selected by the chairman of ways and means from a panel appointed by the committee of selection at the commencement of every session, and the counsel to the Speaker. The quorum is three (*d*).

(*a*) As to select committees on public bills, *see* §§ 81 and following.

(*b*) *See* S. O. (private business) 98, 108 and 116; May, 746.

(*c*) *See* S. O. (private business) 99-101 and 115; May, 746.

(*d*) *See* S. O. (private business) 104, 109 and 136; May, 746-7, 789.

Police and sanitary committee.

(2) Bills, whether opposed or unopposed, containing police or sanitary clauses, go to a special committee constituted under a sessional order.

See § 108 and p. 311; May, 805, 751-2.

Casting vote.

(3) The chairman of an ordinary committee on a private bill has a vote on

every question, and, if the votes are equal, a second or casting vote.

S. O. (private business) 124. As to public bills, *see* § 91.

Sittings.

(4) A committee on an opposed private bill must report specially to the house the cause of any adjournment over any day on which the house sits.

See S. O. (private business) 126; May, 828.

Attendance.

(5) Every member of a committee on an opposed private bill must attend the sittings of the committee. If he absents himself he is reported to the house.

S. O. (private business) 119-122, and *see* above, § 270, and May 182, 748, 756.

Declaration negativing interest.

(6) Every member of a committee on an opposed private bill must, before attending, sign a declaration that his constituents have no local interest, and that he has no personal interest, in the bill.

S. O. (private business) 117; May, 747, 755. On an unopposed private bill, no member of the committee who is locally or otherwise interested may vote. *See* S. O. (private business) 138; May, 747. As to committees specially constituted (like the committees on hybrid bills) for the consideration of particular private bills *see* § 83; May, 829.

APPENDIX.

PART I.

STANDING ORDERS RELATIVE TO PUBLIC BUSINESS.*

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Number of Standing Order in 1901.	Number of Standing Order in 1907.	Number of Standing Order in 1901.	Number of Standing Order in 1907.
1	1	21	18
2	2	22	22
3	3	23	23
4	Repealed.	24	19
5	Repealed.	25	26
6	Repealed.	26	27
7	Repealed.	27	20
8	Repealed.	28	Repealed.
9	65	29	Repealed.
10	Repealed.	30	30
11	Repealed.	31	31
12	6	32	32
13	12	33	33
14	13	34	34
15	5	35	35
16	11	36	36
17	10	37	37
18	24	38	38
19	7	39	39
20	9	40	40

PART I.—STANDING ORDERS—*continued.*

TABLE SHOWING CORRESPONDENCE, &c.—*continued.*

Number of Standing Order in 1901.	Number of Standing Order in 1907.	Number of Standing Order in 1901.	Number of Standing Order in 1907.
41	41	65	74
42	42	66	54
43	43	67	55
44	44	68	56
45	45	69	57
46	46	70	58
47	47	71	59
48	48	72	60
49	49	73	61
50	50	74	62
51	51	75	63
52	52	76	64
53	53	77	75
54	14	78	76
55	16	79	77
56	17	80	78
57	66	81	79
58	67	82	80
59	68	83	81
60	69	84	82
61	70	85	83
62	71	86	84
63	72	87	85
64	73	88	86

PART I.—STANDING ORDERS—*continued.*

TABLE SHOWING CORRESPONDENCE, &c.—*continued.*

Number of Standing Order in 1901.	Number of Standing Order in 1907.	Number of Standing Order in 1901.	Number of Standing Order in 1907.
89	87	94	91
90	88	95	92
91	89	96	93
92	Repealed.	97	94
93	90	98	95

PART I.—STANDING ORDERS—*continued.*

TABLE SHOWING DATES AT WHICH STANDING ORDERS OF 1907 WERE PASSED AND AMENDED.

Number of Standing Orders in 1907.	Dates at which each Standing Order was passed and amended.
1	24 February 1888, 2 May 1902, and 2 and 3 April 1906.
2	5 August 1853, 8 April 1902, and 3 April 1906.
3	3 April 1906.
4	11 April 1902 and 3 April 1906.
5	28 February 1888.
6	29 February 1888.
7	5 August 1853.
8	1 May 1902 and 3 April 1906.
9	7 March 1888, 29 April 1902, and 3 April 1906.
10	27 November 1882, 29 April 1902, and 3 April 1906.
11	7 March 1888 and 2 May 1902.
12	5 August 1853.
13	5 August 1853 and 7 March 1888.
14	28 July 1870.
15	28 April 1902 and 3 April 1906.
16	3 May 1861 and 2 May 1902.
17	27 November 1882, 7 March 1888, and 17 February 1902.

PART I.—STANDING ORDERS—*continued.*

TABLE SHOWING DATES, &c.—*continued.*

Number of Standing Orders in 1907.	Dates at which each Standing Order was passed and amended.
18	28 February 1880, 22 November 1882, 7 March 1901, and 17 February 1902.
19	27 November 1882 and 28 February 1888.
20	28 February 1888.
21	17 February 1902.
22	27 November 1882.
23	27 November 1882 and 28 February 1888.
24	3 May 1861.
25	1 May 1902 and 3 April 1906.
26	18 March 1887 and 7 March 1888.
27	28 February 1888.
28	12 December 1906.
29	12 December 1906.
30	29 February 1888.
31	5 August 1853 and 17 February 1902.
32	5 August 1853.
33	19 July 1854.
34	19 July 1854.
35	27 November 1882.
36	19 July 1854.
37	19 July 1854.
38	19 July 1854.
39	5 August 1853.
40	27 November 1882.

PART I.—STANDING ORDERS—*continued.*

TABLE SHOWING DATES, &c.—*continued.*

Number of Standing Orders in 1907.	Dates at which each Standing Order was passed and amended.
41	28 February 1888.
42	21 July 1856.
43	19 July 1854
44	24 July 1849.
45	24 July 1849.
46	16 April 1907.
47	7 March 1888, 1 May 1902, 9 April 1906, and 16 April 1907.
48	7 March 1888 and 16 April 1907.
49	7 March 1888 and 16 April 1907.
50	7 March 1888 and 22 April 1901.
51	28 February 1888, 17 February 1891, and 4 March 1901.
52	27 November 1882.
53	19 July 1854.
54	21 July 1856 and 7 March 1818.
55	25 June 1852.
56	25 June 1852.
57	25 June 1852.
58	25 June 1852.
59	25 June 1852.
60	25 June 1852.
61	25 June 1852.
62	25 June 1852.

PART I.—STANDING ORDERS—*continued.*

TABLE SHOWING DATES, &c.—*continued.*

Number of Standing Orders in 1907.	Dates at which each Standing Order was passed and amended.
63	9 August 1875.
64	25 June 1852 and 21 July 1856.
65	29 February 1888.
66	11 June 1713, 25 June 1852, and 20 March 1866.
67	29 March 1707.
68	25 March 1715.
69	22 February 1821.
70	21 July 1856.
71	20 March 1866.
72	13 July 1869.
73	13 July 1869.
74	13 July 1869.
75	3 April 1862 and 28 March 1870.
76	14 April 1842 and 5 August 1853.
77	14 April 1842 and 5 August 1853.
78	14 April 1842 and 5 August 1853.
79	14 April 1842 and 5 August 1853.
80	14 April 1842 and 5 August 1853.
81	20 July 1855 and 11 February 1902.
82	6 April 1835.
83	29 April 1858.
84	30 April 1866.
85	1 July 1880.

PART I.—STANDING ORDERS—*continued.*

TABLE SHOWING DATES, &c.—*continued.*

Number of Standing Orders in 1907.	Dates at which each Standing Order was passed and amended.
86	20 February 1872.
87	20 February 1872.
88	5 February 1845.
89	5 February 1845.
90	7 March 1888.
91	25 June 1852.
92	25 June 1852.
93	25 June 1852.
94	25 June 1852.
95	14 August 1896.

STANDING ORDERS RELATIVE TO PUBLIC BUSINESS.

Sittings of the House.

Sittings of the house.

1.—(1) Unless the house otherwise order, the house shall meet every Monday, Tuesday, Wednesday, and Thursday at a quarter to three of the clock.

(2) At half past eleven of the clock the Speaker shall adjourn the house without question put, unless a bill originating in committee of ways and means, or unless proceedings made in pursuance of any act of parliament or standing order, or otherwise exempted as hereinafter provided from the operation of this standing order, be then under consideration.

(3) At eleven of the clock on Mondays, Tuesdays, Wednesdays, and Thursdays, except as aforesaid, and at five of the clock on Fridays, the proceedings on any business then under consideration shall be interrupted; and, if the house be in committee, the chairman shall leave the chair, and make his report to the house; and if a motion has been proposed for the adjournment of the house, or of the debate, or in committee that the chairman do report progress, or do leave the chair, every such dilatory motion shall lapse without question put.

(4) Provided always, that on the interruption of business the closure may be moved; and if moved, or if proceedings under the closure rule be then in progress, the Speaker or chairman shall not leave the chair, until the questions consequent thereon and on any further motion, as provided in the rule "closure of debate," have been decided.

(5) After the business under consideration at eleven and five, respectively, has

been disposed of, no opposed business shall be taken.

(6) All business appointed for any sitting, and not disposed of before the termination of the sitting, shall stand over until the next sitting, or until such other sitting on any day on which the house ordinarily sits as the member in charge of the business may appoint.

(7) A motion may be made by a minister of the crown at the commencement of public business, to be decided without amendment or debate, to the following effect: "That the proceedings on any specified business, if under discussion at eleven this night, be not interrupted under the standing order 'sittings of the house,'" or to the following effect: That the proceedings on any specified business, if under discussion when the business is postponed, be resumed and proceeded with, though opposed, after the interruption of business.

(8) Provided always, that after any business exempted from the operation of this order is disposed of, the remaining

except the sittings on the third and fourth Fridays after Whit Sunday;

(*e*) After a quarter-past eight when government business has not precedence notices of motion shall have precedence of the orders of the day;

(*f*) At the sittings on Monday, Tuesday, Wednesday, and Thursday the house will first proceed with petitions, motions for unopposed returns, and leave of absence to members, giving notices of motions, and unopposed private business.

Arrangement of government business.

5. On days on which government business has priority, the government may arrange such government business, whether orders of the day or notices of motions, in such order as they may think fit.

Precedence of bills after Whitsuntide.

6. After Whitsuntide, public bills, other than government bills, shall be arranged on the order book so as to give priority to the bills most advanced and Lords' amendments

to public bills appointed to be considered shall be placed first, to be followed by third readings, considerations of report, bills in progress in committee, bills appointed for committee, and second readings.

Period for which notices of motion may be given.

7. No notice shall be given beyond the period which shall include the four days next following on which notices are entitled to precedence; due allowance being made for any intervening adjournment of the house, and the period being in that case so far extended as to include four notice days falling during the sitting of the house.

Private Business.

Time for taking private business.

8.—(1) No opposed private business shall be set down for the sittings on Friday, or for a quarter-past eight on Wednesday between Easter and Whitsuntide.

(2) All private business which is set down for Monday, Tuesday, Wednesday, or Thursday, and is not disposed of by three of the clock shall, without question put, be postponed until such time as the chairman of ways and means may determine.

(3) Provided that such private business shall always be taken at a quarter-past eight on Monday, Tuesday, Wednesday, or Thursday, or as soon thereafter as any motion for the adjournment of the house standing over has been disposed of, and that such postponed business shall be distributed as near as may be proportionately between the sittings on which government business has precedence and the other sittings.

(4) No opposed private business other than that then under consideration shall be taken after half-past nine of the clock.

(5) Unopposed private business shall have precedence of opposed private business.

Questions.

Questions to members.

9.—(1) Notices of questions shall be given by members in writing to the clerk at the table, without reading them *vivâ voce* in the house, unless the consent of the Speaker to any particular question has been previously obtained.

(2) Questions shall be taken on Monday, Tuesday, Wednesday, and Thursday, after

PART I.—STANDING ORDERS—*continued.*

private business has been disposed of, and not later than three of the clock.

(3) No questions shall be taken after a quarter before four of the clock, except questions which have not been answered in consequence of the absence of the minister to whom they are addressed, and questions which have not appeared on the paper, but which are of an urgent character, and relate either to matters of public importance or to the arrangement of business.

(4) Any member who desires an oral answer to his question may distinguish it by an asterisk, but notice of any such question must appear at latest on the notice paper circulated on the day before that on which an answer is desired.

(5) If any member does not distinguish his question by an asterisk, or if he or any other member deputed by him is not present to ask it, or if it is not reached by a quarter before four of the clock, the minister to whom it is addressed shall cause an answer to be printed and circulated with the votes,

unless the member has signified his desire to postpone the question.

Adjournment on Matter of Public Importance.

Motion for adjournment on matter of urgent public importance.

10. No motion for the adjournment of the house shall be made until all the questions asked at the commencement of business on Monday, Tuesday, Wednesday, or Thursday have been disposed of, and no such motion shall be made before the orders of the day, or notices of motion have been entered upon, except by leave of the house, unless a member rising in his place shall propose to move the adjournment for the purpose of discussing a definite matter of urgent public importance, and not less than forty members shall thereupon rise in their places to support the motion, or unless, if fewer than forty members and not less than ten shall thereupon rise in their places, the house shall, on a division, upon question put forthwith, determine whether such motion shall be made. If the motion is so supported, or

the house so determines that it shall be made, it shall stand over until a quarter-past eight on the same day.

Bringing in Bills and nominating Select Committees at Commencement of Public Business.

11. On Tuesdays and Wednesdays, and, if set down by the government, on Mondays and Thursdays, motions for leave to bring in bills, and for the nomination of select committees, may be set down for consideration at the commencement of public business. If such motions be opposed, Mr. Speaker, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes any such motion respectively, may, without further debate, put the question thereon, or the question, that the debate be now adjourned.

Motions for leave to bring in bills and nomination of select committees at commencement of public business.

Orders of the Day.

12. At the time fixed for the commencement of public business, on days on which

Orders of day to be read

without question put.

orders have precedence of notices and motions, and after the notices of motions have been disposed of, on all other days, Mr. Speaker shall direct the clerk at the table to read the orders of the day, without any question being put.

Order of disposing of orders of day.

13. The orders of the day shall be disposed of in the order in which they stand upon the paper; the right being reserved to His Majesty's ministers of placing government orders or motions at the head of the list, in the rotation in which they are to be taken on the days on which government bills have precedence.

Supply and Ways and Means.

Appointment of committees.

14. This house will, in future, appoint the committees of supply and ways and means at the commencement of every session, so soon as an address has been agreed to, in answer to His Majesty's speech.

Business of supply.

15.—(1) As soon as the committee of supply has been appointed and estimates have been presented, the business of supply shall,

until disposed of, be the first order of the day on Thursday, unless the house otherwise order on the motion of a minister of the crown, moved at the commencement of public business, to be decided without amendment or debate.

(2) Not more than twenty days, being days before the 5th of August, shall be allotted for the consideration of the annual estimates for the army, navy, and civil services, including votes on account. The days allotted shall not include any day on which the question has to be put that the speaker do leave the chair, or any day on which the business of supply does not stand as first order.

(3) Provided that the days occupied by the consideration of estimates supplementary to those of a previous session or of any vote of credit, or of votes for supplementary or or additional estimates presented by the government for war expenditure, or for any new service not included in the ordinary estimates for the year, shall not be included

in the computation of the twenty days aforesaid.

(4) Provided also that on motion made after notice, to be decided without amendment or debate, additional time, not exceeding three days, may be allotted for the purposes aforesaid, either before or after the 5th of August.

(5) On a day so allotted, no business other than the business of supply shall be taken before eleven, and no business in committee or proceedings on report of supply shall be taken after eleven, whether a general order exempting business from interruption under the standing order (sittings of the house) is in force or not, unless the house otherwise order on the motion of a minister of the crown, moved at the commencement of public business, to be decided without amendment or debate.

(6) Of the days so allotted, not more than one day in committee shall be allotted to any vote on account, and not more than one sitting to the report of that vote. At eleven on

the close of the day on which the committee on that vote is taken, and at the close of the sitting on which the report of that vote is taken, the chairman of committees or the Speaker, as the case may be, shall forthwith put every question necessary to dispose of the vote or the report.

(7) At ten of the clock on the last day but one of the days so allotted the chairman shall forthwith put every question necessary to dispose of the vote then under consideration, and shall then forthwith put the question with respect to each class of the civil service estimates that the total amount of the votes outstanding in that class be granted for the services defined in the class, and shall in like manner put severally the questions that the total amounts of the votes outstanding in the estimates for the navy, the army and the revenue departments be granted for the services defined in those estimates.

(8) At ten of the clock on the last, not being earlier than the twentieth, of the allotted days, the Speaker shall forthwith put

every question necessary to dispose of the report of the resolution then under consideration, and shall then forthwith put, with respect to each class of the civil service estimates, the question, that the house doth agree with the committee in all the outstanding resolutions reported in respect of that class, and shall then put a like question with respect to all the resolutions outstanding in the estimates for the navy, the army, the revenue departments, and other outstanding resolutions severally.

(9) On the days appointed for concluding the business of supply, the consideration of that business shall not be anticipated by a motion of adjournment, and no dilatory motion shall be moved on proceedings for that business and the business shall not be interrupted under any standing order.

(10) Any additional estimate for any new matter not included in the original estimates for the year, shall be submitted for consideration in the committee of supply on

some day not later than two days before the committee is closed.

(11) For the purposes of this order two Fridays shall be deemed equivalent to a single sitting on any other day.

Days for committees of supply and ways and means.

16. The committees of supply and ways and means shall be fixed for Monday, Wednesday, and Thursday, and may also be appointed for any other day on which the house shall meet for despatch of business.

When chair to be left without question put.

17. Whenever the committee of supply stands as an order of the day, Mr. Speaker shall leave the chair without putting any question, unless on first going into supply on the army, navy, or civil service estimates respectively, or on any vote of credit, an amendment be moved, or question raised, relating to the estimates proposed to be taken in supply.

Order in the House.

Order in debate.

18.—(1) Whenever any member shall have been named by the Speaker, or by the chairman of a committee of the whole house,

immediately after the commission of the offence of disregarding the authority of the chair, or of abusing the rules of the house by persistently and wilfully obstructing the business of the house, or otherwise, then, if the offence has been committed by such member in the house, the Speaker shall forthwith put the question, on a motion being made, no amendment, adjournment, or debate being allowed, "That such member be suspended from the service of the house"; and, if the offence has been committed in a committee of the whole house, the chairman shall forthwith suspend the proceedings of the committee and report the circumstance to the house; and the Speaker shall on a motion being made thereupon put the same question, without amendment, adjournment, or debate, as if the offence had been committed in the house itself.

(2) If any member be suspended under this order, his suspension on the first occasion ~~shall continue for one week, on the second occasion for a fortnight, and on~~

~~the third, or any subsequent occasion, for a month~~.

(3) Provided always, that suspension from the service of the house shall not exempt the member so suspended from serving on any committee for the consideration of a private bill to which he may have been appointed before his suspension.

(4) Provided also, that not more than one member shall be named at the same time, unless several members, present together, have jointly disregarded the authority of the chair.

(5) Provided also, that if any member, or members acting jointly, who have been suspended under this order from the service of the house, shall refuse to obey the direction of the Speaker, when severally summoned under the Speaker's orders by the serjeant-at-arms to obey such direction, the Speaker shall call the attention of the house to the fact that recourse to force is necessary in order to compel obedience to his direction,

and the member or members named by him as having refused to obey his direction shall thereupon and without further question put, be suspended from the service of the house during the remainder of the session.

(6) Provided always, that nothing in this resolution shall be taken to deprive the house of the power of proceeding against any member according to ancient usages.

Note.—The words printed in erased type were struck out on the 13*th February,* 1902, *but the proceedings on the amendment of the standing order were not resumed after the* 17*th February,* 1902.

Irrelevance or repetition.

19. Mr. Speaker, or the chairman, after having called the attention of the house, or of the committee, to the conduct of a member, who persists in irrelevance, or tedious repetition either of his own arguments, or of the arguments used by other members in debate, may direct him to discontinue his speech.

Disorderly conduct.

20.—(1) Mr. Speaker, or the chairman, shall order members whose conduct is grossly

disorderly to withdraw immediately from the house during the remainder of that day's sitting; and the serjeant-at-arms shall act on such orders as he may receive from the chair in pursuance of this resolution. But if, on any occasion, Mr. Speaker or the chairman deems that his powers under this standing order are inadequate, he may name such member or members in pursuance of the standing order "Order in debate," or he may call upon the house to adjudge upon the conduct of such member or members.

(2) Provided always, that members who are ordered to withdraw under this standing order, or who are suspended from the service of the house under the standing order "Order in debate," shall forthwith withdraw from the precincts of the house, subject, however, in the case of such suspended members, to the proviso in that standing order regarding their service on private bill committees.

21. In the case of grave disorder arising in the house the Speaker may, if he thinks it

Power of Speaker to.

adjourn house or suspend sitting.

necessary to do so, adjourn the house without question put, or suspend any sitting for a time to be named by him.

Adjournment and Counting Out.

Debate on motion for adjournment.

22. When a motion is made for the adjournment of a debate, or of the house during any debate, or that the chairman of a committee do report progress, or do leave the chair, the debate thereupon shall be confined to the matter of such motion; and no member, having moved or seconded any such motion, shall be entitled to move, or second, any similar motion during the same debate.

Dilatory motion in abuse of rules of house.

23. If Mr. Speaker, or the chairman of a committee of the whole house, shall be of opinion that a motion for the adjournment of a debate, or of the house, during any debate, or that the chairman do report progress, or do leave the chair, is an abuse of the rules of the house, he may forthwith put the question thereupon from the chair,

or he may decline to propose the question thereupon to the house.

Adjournment from Friday to Monday.

24. While the committees of supply and ways and means are open, the house, when it meets on Friday, shall, at its rising, stand adjourned until the following Monday, without any question being put, unless the house shall otherwise resolve.

Counting out.

25. The house shall not be counted between a quarter-past eight and a quarter-past nine o'clock, but if on a division taken on any business between a quarter-past eight and a quarter-past nine o'clock it appears that forty members are not present, the business shall stand over until the next sitting of the house, and the next business shall be taken.

Closure of Debate.

Closure of debate.

26.—(1) After a question has been proposed a member rising in his place may claim to move, "That the question be now put," and, unless it shall appear to the chair that such motion is an abuse of the rules of the

house, or an infringement of the rights of the minority, the question, "That the question be now put," shall be put forthwith, and decided without amendment or debate.

(2) When the motion "That the question be now put" has been carried, and the question consequent thereon has been decided, any further motion may be made (the assent of the chair, as aforesaid, not having been withheld) which may be requisite to bring to a decision any question already proposed from the chair; and also if a clause be then under consideration, a motion may be made (the assent of the chair, as aforesaid, not having been withheld), that the question, that certain words of the clause defined in the motion stand part of the clause, or that the clause stand part of, or be added to the bill, be now put. Such motions shall be put forthwith, and decided without amendment or debate.

(3) Provided always, that this rule shall be put in force only when the Speaker or the chairman of ways and means is in the chair.

PART I.—STANDING ORDERS—*continued.*

Majority for closure.

27. Questions for the closure of debate under standing order "Closure of debate" shall be decided in the affirmative, if, when a division be taken, it appears by the numbers declared from the chair, that not less than one hundred members voted in the majority in support of the motion.

Divisions.

Procedure on divisions.

28.—(1) If the opinion of the Speaker or chairman as to the decision of a question is challenged he shall direct that the lobby be cleared.

(2) After the lapse of two minutes from this direction he shall put the question again, and, if his opinion is again challenged, he shall nominate tellers.

(3) After the lapse of six minutes from this direction he shall direct that the doors giving access to the division lobbies be locked.

Voting of members.

29.—(1) A member may vote in a division although he did not hear the question put.

(2) A member is not obliged to vote.

Division frivolously claimed.

30. Mr. Speaker or the chairman, may, after the lapse of two minutes as indicated by the sand-glass, if in his opinion the division is frivolously or vexatiously claimed, take the vote of the house, or committee, by calling upon the members who support, and who challenge his decision, successively to rise in their places; and he shall thereupon, as he thinks fit, either declare the determination of the house or committee, or name tellers for a division. And, in case there is no division, the speaker or chairman shall declare to the house or the committee the number of the minority who had challenged his decision, and their names shall be thereupon taken down in the house, and printed with the lists of divisions.

Public Bills.

Presentation or introduction and first reading.

31.—(1) When any bill shall be presented by a member, in pursuance of an order of this house, or shall be brought from the Lords, the questions "That this bill be now

read a first time," and "That this bill be printed," shall be decided without amendment or debate.

(2) A member may, if he thinks fit, after notice, present a bill without an order of the house for its introduction; and when a bill is so presented, the title of the bill shall be read by the clerk at the table, and the bill shall then be deemed to have been read a first time, and shall be printed.

Procedure on reading order for committee.

32. When a bill or other matter (except supply or ways and means) has been partly considered in committee, and the chairman has been directed to report progress, and ask leave to sit again, and the house shall have ordered that the committee shall sit again on a particular day, the Speaker shall, when the order for the committee has been read, forthwith leave the chair without putting any question, and the house shall thereupon resolve itself into such committee.

Reference of bills together to committee.

33. Bills which may be fixed for consideration in committee on the same day,

whether in progress or otherwise, may be referred together to a committee of the whole house, which may consider on the same day all the bills so referred to it, without the chairman leaving the chair on each separate bill; provided that, with respect to any bill not in progress, if any member shall object to its consideration in committee, together with other bills, the order of the day for the committee on such bill shall be postponed.

Amendments in committee.

34. It shall be an instruction to all committees of the whole house to which bills may be committed, that they have power to make such amendments therein as they shall think fit, provided they be relevant to the subject-matter of the bill; but that if any such amendments shall not be within the title of the bill, they do amend the title accordingly, and do report the same specially to the house.

Postponement of preamble.

35. In committee on a bill, the preamble shall stand postponed until after the con-

sideration of the clauses, without question put.

Discontinuance of first and second reading stage in committee

36. The questions for reading a bill a first and second time in a committee of the whole house shall be discontinued.

Question not to be put on blanks.

37. In going through a bill no questions shall be put for the filling up words already printed in *italics*, and commonly called blanks, unless exception be taken thereto; and if no alterations have been made in the words so printed in *italics*, the bill shall be reported without amendments, unless other amendments have been made thereto.

Procedure on offer of new clause.

38. On a clause being offered in the committee on the bill, or on the consideration of report of a bill, Mr. Speaker or the chairman shall desire the member to bring up the same, whereupon it shall be read a first time without question put, but no clause shall be offered on consideration of report without notice.

Report of bill

39. At the close of the proceedings of a committee of the whole house on a bill, the

chairman shall report the bill forthwith to the house, and when amendments shall have been made thereto, the same shall be received, without debate, and a time appointed for taking the same into consideration.

Consideration of bill as amended.

40. When the order of the day for the consideration of a bill, as amended in the committee of the whole house, has been read, the house shall proceed to consider the same without question put, unless the member in charge thereof shall desire to postpone its consideration, or a motion shall be made to re-commit the bill.

Amendments on report.

41. Upon the report stage of any bill no amendment may be proposed which could not have been proposed in committee without an instruction from the house.

Amendments on third reading.

42. No amendments, not being merely verbal, shall be made to any bill on the third reading.

Lords' amendments.

43. Lords' amendments to public bills shall be appointed to be considered on a future

day, unless the house shall order them to be considered forthwith.

Pecuniary penalties.

44. With respect to any bill brought to this house from the House of Lords, or returned by the House of Lords to this house, with amendments, whereby any pecuniary penalty, forfeiture, or fee shall be authorised, imposed appropriated, regulated, varied, or extinguished, this house will not insist on its ancient and undoubted privileges in the following cases :—

1. When the object of such pecuniary penalty or forfeiture is to secure the execution of the act, or the punishment or prevention of offences.
2. Where such fees are imposed in respect of benefit taken or service rendered under the act, and in order to the execution of the act, and are not made payable into the treasury or exchequer, or in aid of the public revenue, and do not form the ground of public accounting by the parties receiving the

same, either in respect of deficit or surplus.

3. When such bill shall be a private bill for a local or personal act.

Temporary laws.

45. The precise duration of every temporary law shall be expressed in a distinct clause at the end of the bill.

Standing Committees.

Committal of bills.

46.—(1) When a bill has been read a second time it shall stand committed to one of the standing committees, unless the house, on motion to be decided without amendment or debate, otherwise order; and such a motion shall not require notice, must be made immediately after the bill is read a second time, may be made by any member, and may, though opposed, be decided after the expiration of the time for opposed business. But this order shall not apply to:

(*a*) bills for imposing taxes, or consolidated fund, or appropriation bills; or

PART I.—STANDING ORDERS—*continued.*

(*b*) bills for confirming provisional orders.

(2) Provided that the house may, on motion made by the member in charge of a bill, commit the bill to a standing committee in respect of some of its provisions, and to a committee of the whole house in respect of other provisions, and that if such a motion is opposed the Speaker, after permitting, if he thinks fit, a brief explanatory statement from the member who makes and from the member who opposes the motion, shall without further debate put the question thereon.

(3) Where a bill has been committed to a standing committee, or has been so committed in respect of any provision, then at the report stage of the bill or provision, the rule against speaking more than once shall not apply to the member in charge of the bill or to the mover of any amendment or new clause in respect of that amendment or clause.

47.—(1) Four standing committee shall be appointed for the consideration of all bills

Constitution of standing committees.

committed to them; and the procedure in such committees shall be the same as in a select committee, unless the house shall otherwise order: provided that strangers shall be admitted, except when the committee shall order them to withdraw; and the said committees shall not sit whilst the house is sitting, except in pursuance of a resolution of the committee, moved by the member in charge of the bill before the committee, and decided without amendment or debate, and shall not sit after four p.m. without the order of the house: provided also, that any notice of amendment to any clause in a bill which may be committed to a standing committee, given by any honourable member in the house, shall stand referred to such committee: provided also, that twenty be the quorum of such standing committees.

(2) One of the standing committees shall be appointed for the consideration of all public bills relating exclusively to Scotland and committed to a standing committee, and shall consist of all the members representing

Scottish constituencies, together with not more than fifteen other members to be nominated in respect of any bill by the committee of selection, who shall have regard in such nomination to the approximation of the balance of parties in the committee to that in the whole house, and shall have power from time to time to discharge, for non-attendance or at their own request, the members so nominated by them, and to appoint others in substitution for those discharged.

(3) Subject as aforesaid the bills committed to a standing committee shall be distributed among the committees by Mr. Speaker.

(4) In all but one of the standing committees government bills shall have precedence.

(5) Standing order 19 (as to irrelevance and repetition) and standing orders 26 and 27 (as to closure) shall apply to standing committees, with the substitution in standing order 26 of the chairman of the committee for

the chairman of ways and means, and, in standing order 27 of 20 for 100 as the number necessary to render the majority effective for the closure, and the chairman of a standing committee shall have the like powers as the chairman of a committee of the whole house has under standing order 23 (as to dilatory motions).

Nomination of standing committees.

48. Each of the said standing committees shall consist of not less than sixty nor more than eighty members, to be nominated by the committee of selection, who shall have regard to the classes of bills committed to such committees, to the composition of the house, and to the qualifications of the members selected; and shall have power to discharge members from time to time for non-attendance or at their own request, and to appoint others in substitution for those discharged. Provided that, for the consideration of all public bills relating exclusively to Wales and Monmouthshire, the committee shall be so constituted as to comprise all members sitting for constituencies in Wales and Monmouthshire. The committee of

selection shall also have power to add not more than fifteen members to a standing committee in respect of any bill referred to it, to serve on the committee during the consideration of such bill. Provided that this Order shall not apply to the standing committee on Scottish bills.

Chairmen of standing committees.

49. The committee of selection shall nominate a chairmen's panel to consist of not less than four nor more than eight members, of whom three shall be a quorum; and the chairmen's panel shall appoint from among themselves the chairman of each standing committee, and may change the chairman so appointed from time to time.

Report of bill committed to standing committees.

50. All bills which shall have been committed to one of the said standing committees shall, when reported to the house, be proceeded with, as if they had been reported from a committee of the whole house: provided only, that all bills reported from a standing committee, whether amended or not, shall be considered on report by the house without question put, unless the member in charge thereof desire to postpone its

consideration or a motion be made to recommit the bill.

Committees of the whole House.

When Speaker leaves chair without question put.

51. Whenever an order of the day is read for the house to resolve itself into committee (not being a committee to consider a message from the crown, or the committee of supply, or the committee on the East India revenue accounts), Mr. Speaker shall leave the chair without putting any question, and the house shall thereupon resolve itself into such committee, unless notice of an instruction thereto has been given, when such instruction shall be first disposed of.

When chairman of committee leaves chair without question put.

52. When the chairman of a committee has been ordered to make a report to the house, he shall leave the chair without question put.

Report to be brought up without question put.

53. Every report from a committee of the whole house shall be brought up, without any question being put.

Select Committees.

Sittings.

54. All committees shall have leave to sit, except while the house is at prayers,

during the sitting, and notwithstanding any adjournment of the house.

Number.

55. No select committee shall, without leave of the house, consist of more than fifteen members; such leave shall not be moved for without notice; and in the case of members proposed to be added or substituted, after the first appointment of the committee, the notice shall include the names of the members proposed to be added or substituted.

Consent of members.

56. Every member intending to move for the appointment of a select committee shall endeavour to ascertain previously whether each member proposed to be named by him on such committee will give his attendance thereupon.

Notice of names of members

57. Every member intending to move for the appointment of a select committee, shall, one day next before the nomination of such committee, place on the notices the names of the members intended to be proposed by him to be members of such committee.

PART I.—STANDING ORDERS—*continued.*

Lists of members serving.

58. Lists shall be affixed in some conspicuous place in the committee office and in the lobby of the house of all members serving on each select committee.

Entry of questions asked.

59. To every question asked of a witness under examination in the proceedings of any select committee there shall be prefixed in the minutes of the evidence the name of the member asking such question.

Entry of members attending.

60. The names of the members present each day on the sitting of any select committee shall be entered on the minutes of evidence, or on the minutes of the proceedings of the committee (as the case may be), and reported to the house on the report of such committee.

Entry of divisions.

61. In the event of any division taking place in any select committee, the question proposed, the name of the proposer, and the respective votes thereupon of each member present, shall be entered on the minutes of evidence, or on the minutes of the proceedings of the committee (as the case may

be), and reported to the house on the report of such committee.

62. If, at any time during the sitting of a select committee of this house, the quorum of members fixed by the house shall not be present, the clerk of the committee shall call the attention of the chairman to the fact, who shall thereupon suspend the proceedings of the committee until a quorum be present, or adjourn the committee to some future day. **Quorum.**

63. Every select committee having power to send for persons, papers, and records, shall have leave to report their opinion and observations, together with the minutes of evidence taken before them, to the house, and also to make a special report of any matters which they may think fit to bring to the notice of the house. **Power to report opinion and observations.**

64. The serjeant-at-arms attending this house shall, from time to time, when the house is going to prayers, give notice thereof to all committees; and all proceedings of **Notice of prayers.**

committees, after such notice, are declared to be null and void, unless such committees be otherwise empowered to sit after prayers.

Address in answer to King's Speech.

Discontinuance of stages on address in answer to King's speech.

65. The stages of committee and report on the address to His Majesty to convey the thanks of the house for His Majesty's most gracious speech to both houses of parliament, at the opening of the session, shall be discontinued.

Public Money.

Recommendation from crown when required on application relating to public money.

66. This house will receive no petition for any sum relating to public service, or proceed upon any motion for a grant or charge upon the public revenue, whether payable out of the consolidated fund or out of money to be provided by parliament, unless recommended from the crown

Certain proceedings relating to *public money to be initiated in committee.*

67. This house will not proceed upon any petition, motion, or bill, for granting any money, or for releasing or compounding

any sum of money owing, to the crown, but in a committee of the whole house.

68. This house will not receive any petition for compounding any sum of money owing to the crown, upon any branch of the revenue, without a certificate from the proper officer or officers annexed to the said petition, stating the debt, what prosecutions have been made for the recovery of such debt, and setting forth how much the petitioner and his security are able to satisfy thereof. Restrictions on receipt of petitions relating to public money.

69. This house will not proceed upon any motion for an address to the crown, praying that any money may be issued, or that any expense may be incurred, but in a committee of the whole house. Procedure on address to crown for issue of public money.

70. This house will not receive any petition, or proceed upon any motion for a charge upon the revenues of India, but what is recommended by the crown. Procedure on application for charge on revenues of India.

71. If any motion be made in the house for any aid, grant, or charge upon the Procedure on motion for charge on public revenue.

public revenue, whether payable out of the consolidated fund or out of money to be provided by parliament, or for any charge upon the people, the consideration and debate thereof shall not be presently entered upon, but shall be adjourned till such further day as the house shall think fit to appoint, and then it shall be referred to a committee of the whole house before any resolution or vote of the house do pass therein.

Packet and Telegraphic Contracts.

Contracts to be approved by resolution.

72. In all contracts extending over a period of years, and creating a public charge, actual or prospective, entered into by the government for the conveyance of mails by sea, or for the purpose of telegraphic communications beyond sea, there should be inserted the condition that the contract shall not be binding until it has been approved of by a resolution of the house.

Contracts to be laid on table.

73. Every such contract, when executed, shall forthwith, if parliament be then sitting

or, if parliament be not then sitting, within fourteen days after it assembles, be laid upon the table of the house, accompanied by a minute of the lords of the treasury, setting forth the grounds on which they have proceeded in authorising it.

Contracts to be confirmed by public act.

74. In cases where any such contract requires to be confirmed by act of parliament, the bill for that purpose shall not be introduced and dealt with as a private bill, and power to the government to enter into agreements by which obligations at the public charge shall be undertaken, shall not be given in any private act.

Public Accounts.

Standing committee on public accounts

75. There shall be a standing committee, to be designated "the committee of public accounts," for the examination of the accounts showing the appropriation of the sums granted by parliament to meet the public expenditure, to consist of eleven members, who shall be nominated at the

commencement of every session, and of whom five shall be a quorum.

Public Petitions.

Presentation of petitions.

76. Every member offering to present a petition to the house, not being a petition for a private bill, or relating to a private bill before the house, shall confine himself to a statement of the parties from whom it comes, of the number of signatures attached to it, and of the material allegations contained in it, and to the reading of the prayer to such petition.

No debate on presentation.

77. Every such petition not containing matter in breach of the privileges of this house, and which, according to the rules or usual practice of this house, can be received, shall be brought to the table by the direction of the Speaker, who shall not allow any debate, or any member to speak upon, or in relation to such petition; but it may be read by the clerk at the table, if required.

78. In the case of such petition complaining of some present personal grievance, for which there may be an urgent necessity for providing an immediate remedy, the matter contained in such petition may be brought into discussion on the presentation thereof. Petition as to present personal grievance.

79. All other such petitions, after they shall have been ordered to lie on the table, shall be referred to the committee on public petitions, without any question being put; but if any such petition relate to any matter or subject, with respect to which the member presenting it has given notice of a motion, and the said petition has not been ordered to be printed by the committee, such member may, after notice given, move that such petition be printed with the votes. Reference of petitions to committee on public petitions.

80. Subject to the above regulations, petitions against any resolution or bill imposing a tax or duty for the current service of the year shall be henceforth received, and the usage under which the house has refused to entertain such petition shall be discontinued. Petitions against imposition of a tax.

Speaker.

Deputy-Speaker and deputy-chairman.

81.—(1) Whenever the house shall be informed by the clerk at the table of the unavoidable absence of Mr. Speaker, the chairman of the committee of ways and means shall perform the duties and exercise the authority of Speaker in relation to all proceedings of this house, as Deputy-Speaker, until the next meeting of the house, and so on from day to day, on the like information being given to the house, until the house shall otherwise order; provided that if the house shall adjourn for more than twenty-four hours, the Deputy-Speaker shall continue to perform the duties and exercise the authority of Speaker for twenty-four hours only after such adjournment.

(2) At the commencement of every parliament, or from time to time, as necessity may arise, the house may appoint a deputy-chairman, who shall, whenever the house is informed by the clerk at the table of the unavoidable absence of the chairman of ways

and means, be entitled to exercise all the powers vested in the chairman of ways and means, including his powers as Deputy-Speaker.

Members.

Seats not to be taken before prayers.

82. No member's name shall be affixed to any seat in the house before the hour of prayers; and the Speaker shall give directions to the doorkeepers accordingly.

Seats secured at prayers.

83. Any member having secured a seat at prayers shall be entitled to retain the same until the rising of the house.

Time for taking the oath.

84. Members may take and subscribe the oath required by law, at any time during the sitting of the house, before the orders of the day and notices of motions have been entered upon, or after they have been disposed of; but no debate or business shall be interrupted for that purpose.

Affirmation in lieu of oath.

85. Every person returned as a member of this house, who may claim to be a person for the time being by law permitted to make

a solemn affirmation or declaration instead of taking an oath, shall henceforth (notwithstanding so much of the resolution adopted by this house on the 22nd day of June, 1880, as relates to affirmation) be permitted, without question, to make and subscribe a solemn affirmation in the form prescribed by the Parliamentary Oaths Act, 1866, as altered by the Promissory Oaths Acts, 1868, subject to any liability by statute.

Witnesses.

Administration of oath in house.

86. Any oath or affirmation taken or made by any witness before the house, or a committee of the whole house, may be administered by the clerk at the table.

Administration of oath in select committee.

87. Any oath or affirmation taken or made by any witness before a select committee may be administered by the chairman, or by the clerk attending such committee.

Strangers.

Power of serjeant-at-arms with

88. The serjeant-at-arms attending this house shall, from time to time, take into his

custody any stranger whom he may see, or who may be reported to him to be, in any part of the house or gallery appropriated to the members of this house, and also any stranger who, having been admitted into any other part of the house or gallery, shall misconduct himself, or shall not withdraw, when strangers are directed to withdraw, while the house, or any committee of the whole house, is sitting; and no person so taken into custody shall be discharged out of custody, without the special order of the house. Power in respect to strangers

89. No member of this house shall presume to bring any stranger into any part of the house or gallery appropriated to the members of this house, while the house, or a committee of the whole house, is sitting. Places to which strangers are not admitted.

90. If at any sitting of the house, or in committee, any member shall take notice that strangers are present, Mr. Speaker, or the chairman (as the case may be), shall forthwith put the question, "That strangers be ordered to withdraw," without per- Withdrawal of strangers from house.

mitting any debate or amendment: provided that the Speaker, or the chairman, may, whenever he thinks fit, order the withdrawal of strangers from any part of the house.

Letters.

Custody of letters addressed to members.

91. To prevent the intercepting or losing of letters directed to members of this house, the person appointed to bring letters from the general post office to this house, or some other person to be appointed by the post-master-general, shall for the future, every day during the session of parliament, Sundays excepted, constantly attend, from ten of the clock in the morning till seven in the afternoon, at the place appointed for the delivery of the said letters, and take care during his stay there, to deliver the same to the several members to whom they shall be directed, or to their known servant or servants, or other persons bringing notes under the hands of the members sending for the same.

92. The said officer shall, upon his going away, lock up such letters as shall remain undelivered; and no letter shall be delivered but within the hours aforesaid. Directions to officer in charge of letters.

93. The said orders shall be sent to the postmaster general at the commencement of each session. Orders to be sent to postmaster general.

94. When any letter or packet directed to this house shall come to Mr. Speaker, he shall open the same; and acquaint the house, at their next sitting, with the contents thereof, if proper to be communicated to this house. Mode of dealing with letters directed to house.

Parliamentary Papers.

95. If, during the existence of a parliament, papers are commanded to be presented to this house by His Majesty at any time the delivery of such papers to the librarian of the House of Commons shall be deemed to be for all purposes the presentation of them to this house. Presentation of command papers.

PART II.

SESSIONAL ORDERS AND RESOLUTIONS.*

Elections, — *Ordered,* That all members who are returned for two or more places in any part of the United Kingdom do make their election for which of the places they will serve, within one week after it shall appear that there is no question upon the return for that place; and if any thing shall come in question touching the return or election of any member, he is to withdraw during the time the matter is in debate; and that all members returned upon double returns do withdraw till their returns are determined. 29 Jan. 1908.

Resolved, That no peer of the realm, except

* The sessional orders printed here are either orders which are customarily made at the beginning of each session, or orders which, having been made in one session, may be expected to be renewed in the next session. As to the distinction between standing and sessional orders, *see* May, 144.

such peers of Ireland as shall for the time being be actually elected, and shall not have declined to serve, for any county, city, or borough of Great Britain, hath any right to give his vote in the election of any member to serve in parliament.

Resolved, That it is a high infringement of the liberties and privileges of the Commons of the United Kingdom for any lord of parliament, or other peer or prelate, not being a peer of Ireland at the time elected, and not having declined to serve for any county, city, or borough of Great Britain, to concern himself in the election of members to serve for the Commons in parliament, except only any peer of Ireland, at such elections in Great Britain respectively where such peer shall appear as a candidate, or by himself, or any others, be proposed to be elected; or for any lord lieutenant or governor of any county to avail himself of any authority derived from his commission, to influence the election of any member to serve for the Commons in Parliament.

Resolved, That if it shall appear that any

person hath been elected or returned a member of this house, or endeavoured so to be, by bribery, or any other corrupt practices, this house will proceed with the utmost severity against all such persons as shall have been wilfully concerned in such bribery or other corrupt practices.

Witnesses,—*Resolved*, That if it shall appear that any person hath been tampering with any witness, in respect of his evidence to be given to this house, or any committee thereof, or directly or indirectly hath endeavoured to deter or hinder any person from appearing or giving evidence, the same is declared to be a high crime or misdemeanour; and this house will proceed with the utmost severity against such offender. 29 Jan. 1908.

Resolved, That if it shall appear that any person hath given false evidence in any case before this house, or any committee thereof, this house will proceed with the utmost severity against such offender.

Metropolitan Police,—*Ordered*, That the commissioners of the police of the metropolis 29 Jan. 1908.

do take care that, during the session of parliament, the passages through the streets leading to this house be kept free and open, and that no obstruction be permitted to hinder the passage of members to and from this house, and that no disorder be allowed in Westminster Hall, or in the passages leading to this house, during the sitting of parliament, and that there be no annoyance therein or thereabouts; and that the serjeant-at-arms attending this house do communicate this order to the commissioners aforesaid.

29 Jan. 1908. Votes and Proceedings,—*Ordered,* That the votes and proceedings of this house be printed being first perused by Mr. Speaker; and that he do appoint the printing thereof; and that no person but such as he shall appoint do presume to print the same.

29 Jan. 1908. Privileges,—*Ordered*, That a committee of privileges be appointed.

18 Feb. 1908. Mr. * * Mr. * * and Mr. * * were nominated members of the committee of privileges.

Ordered, That the committee have power to send for persons, papers, and records.

Ordered, That five be the quorum of the committee.

Journal,—*Ordered*, That the journal of this House, from the end of the last session to the end of the present session, with an index thereto, be printed. 29 Jan. 1908.

Ordered, That the said journal and index be printed by the appointment and under the direction of * * * * * the clerk of this house.

Ordered, That the said journal and index be printed by such person as shall be licensed by Mr. Speaker, and that no other person do presume to print the same.

Ballot for Bills and Motions,—*Ordered*, That no bills, other than government bills, be introduced in anticipation of the ballot, and that all members who desire to ballot, whether for bills or for motions for Tuesday, * * * * * and Tuesday, * * * * * * * and Wednesday, * * * 30 Jan. 1908.

* * * * and Wednesday, * * * do hand in their names at the table during the sitting of the house on Wednesday, * * * * * * or Thursday, * * * * and that a copy of such notices be handed in at the latest during the sitting of the house on Friday, * * * * * * * *

That the ballot for the precedence of the said bills and motions be taken on Friday, * * * * * at a convenient time and place, to be appointed by Mr. Speaker, and that the presentation of bills on Monday, * * * * * be taken immediately after questions.

11 Feb. 1908. Public Accounts Committee,—*Ordered*, That the committee of public accounts do consist of fifteen members.

The committee was accordingly *nominated* of * * * *

Ordered, That the committee have power to send for persons, papers, and records.

Ordered, That five be the quorum.

Standing Orders, — *Ordered,* That the select committee on standing orders do consist of thirteen members:— * * * * were accordingly *nominated* members of the select committee. 10 Feb. 1908.

Selection,—Mr. * * * * and Mr. * * * * were *nominated* members of the committee of selection. 6 Feb. 1908.

Supply,—*Resolved,* That this House will * * * * resolve itself into a committee to consider of the supply to be granted to His Majesty. 6 Feb. 1908.

Ordered, That the several estimates presented to this house during the present session be referred to the committee of supply.

Ways and Means,—*Resolved,* That this house will * * * * resolve itself into a committee to consider of the ways and means for raising the supply to be granted to His Majesty. 6 Feb. 1908.

5 Feb. 1908. Kitchen and Refreshment Committee,—*Ordered*, That a select committee be appointed to control the arrangements for the kitchen and refreshment rooms in the department of the serjeant-at-arms attending this house.

Ordered, That the committee do consist of seventeen members.

The committee was accordingly *nominated* of,— * * * *

Ordered, That the committee have power to send for persons, papers, and records.

Ordered, That three be the quorum.

18 Feb. 1908. Public Petitions,—*Ordered*, That a select committee be appointed, to whom shall be referred all petitions presented to the house, with the exception of such as relate to private bills; and that such committee do classify and prepare abstracts of the same, in such form and manner as shall appear to them best suited to convey to the house all requisite information respecting their contents, and do report the same from time to time to the house; and that the reports of the committee do set forth, in respect of

each petition, the number of signatures which are accompanied by addresses, and which are written on sheets headed in every case by the prayer of the petition; provided that on every separate sheet after the first the prayer may be reproduced in print or by other mechanical process:—And that such committee have power to direct the printing *in extenso* of such petitions, or of such parts of petitions, as shall appear to require it:—And that such committee have power to report their opinion and observations thereupon to the house.

The committee was accordingly *nominated* of * * * *

Ordered, That three be the quorum.

Police and Sanitary Committee,—*Ordered*, That the committee of selection do nominate a committee, not exceeding twelve members, to be called the police and sanitary committee, to whom shall be committed all private bills promoted by municipal and other local authorities by which it is proposed to create powers relating to police 4 Feb. 1908.

or sanitary regulations in conflict with, deviation from, or excess of the provisions of the general law.

Ordered, That standing orders 150 and 173A apply to all such bills.

Ordered, That the committee have power to send for persons, papers, and records.

Ordered, That four be the quorum of the committee.

Ordered, That if the committee shall report to the committee of selection that any clauses of any bill referred to them (other than clauses containing police and sanitary regulations) are such, as having regard to the terms of reference it is not in their opinion necessary or advisable for them to deal with, the committee of selection shall thereupon refer the bill to a select committee, who shall consider those clauses and so much of the preamble of the bill as relates thereto, and shall determine the expenditure (if any) to be authorised in respect of the parts of the bill referred to them. That the committee shall deal with the remaining clauses of such bill, and so much of the

preamble as relates thereto, and shall determine the period and mode of repayment of any money authorised by the select committee to be borrowed and shall report the whole bill to the house, stating in their report what parts of the bill have been considered by each committee.

Ordered, That the committee have power, if they so determine, to sit as two committees, and in that event to apportion the bills referred to the committee between the two committees, each of which shall have the full powers of, and be subject to the instructions which apply to, the undivided committee, and that four be the quorum of each of the two committees.

Standing Committees,—*Ordered*, That all standing committees have leave to print and circulate with the votes the minutes of their proceedings, and any amended clauses of bills committed to them. 9 Mar. 1908.

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